

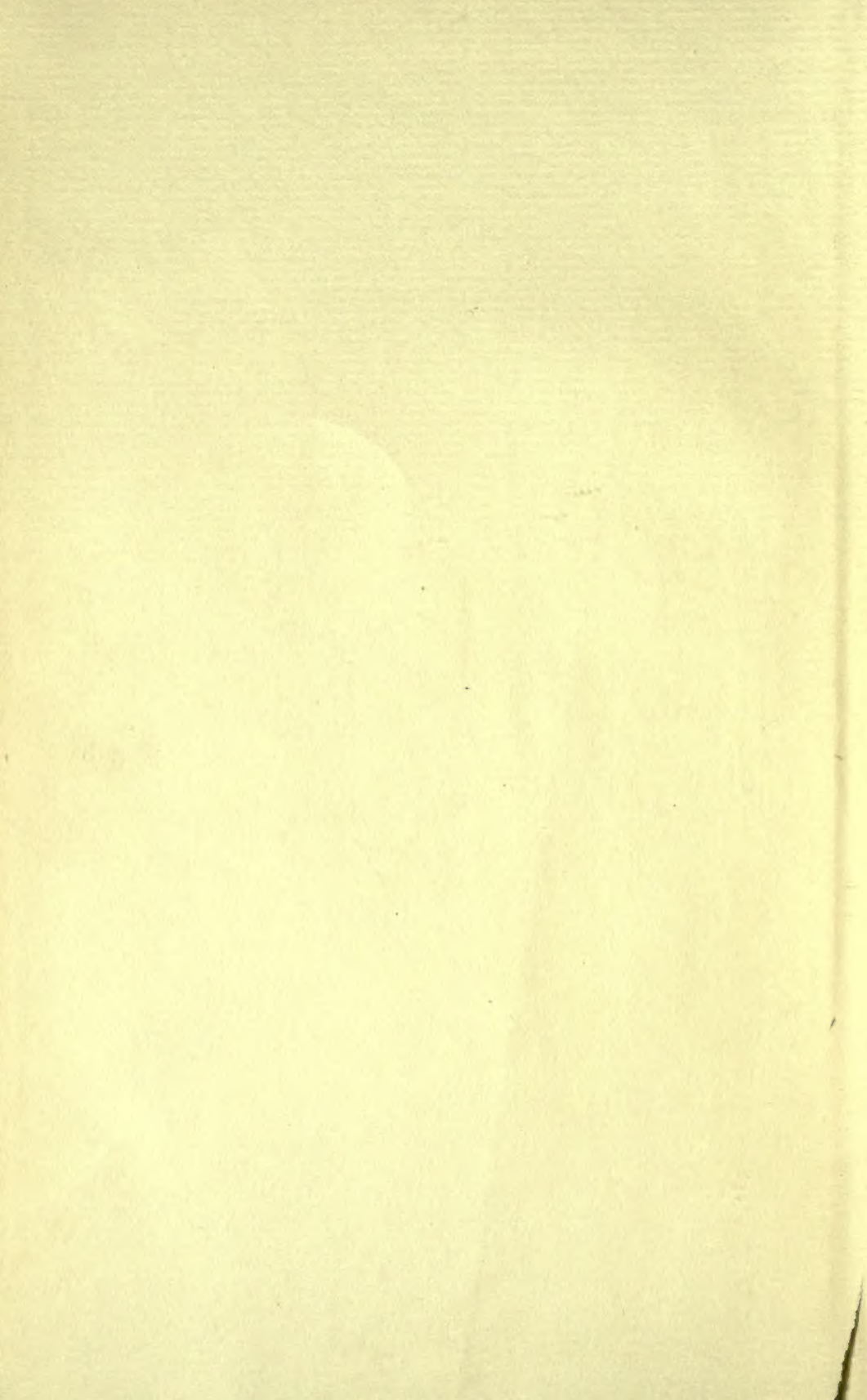




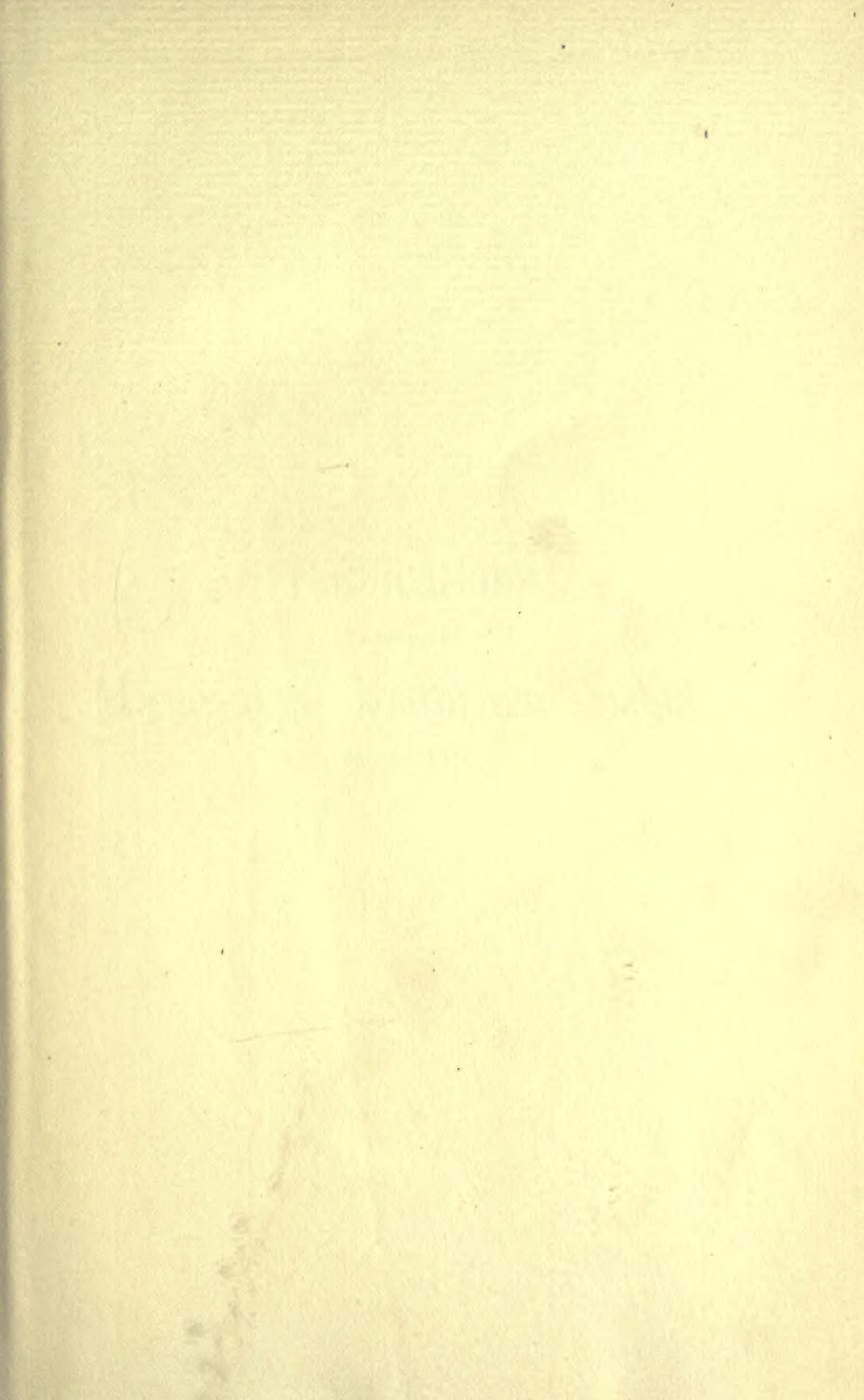
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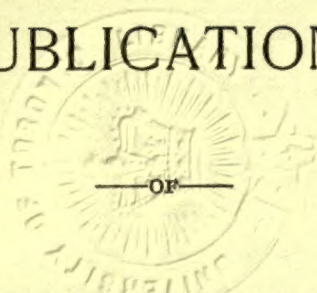
Volume VIII

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PUBLICATIONS



OF

THE MISSISSIPPI  
HISTORICAL SOCIETY

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EDITED BY  
FRANKLIN L. RILEY  
*Secretary*

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VOL. VIII.

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OXFORD, MISSISSIPPI  
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## PREFACE.

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This volume of the *Publications* contains twenty-seven original contributions to the history of Mississippi and the South. The reader will be gratified to learn that since the appearance of Volume VII. several new fields of research have yielded rich returns to the efforts of investigators. Students of Mississippi history have often expressed surprise that, with the exception of the Choctaws, the Indian tribes of the State have received, in recent years, little attention from those who are engaged in historical research. This volume contains the first fruits of work in the history of the Chickasaw Indians. Other new fields of investigation, which have yielded valuable returns within the last year are the following: ante-bellum historical activity, philanthropy, population, statistics, etc.

It is gratifying to note the fact that the War between the States and the period of Reconstruction are still engaging the talents of the patriotic citizens of Mississippi. It is natural that a worthy survivor of the Lost Cause should be impressed with the importance of taking stock of the efforts which have been made and which are being made to honor the memories of those Confederate heroes who lost their lives in the great struggle. The contributions here published on biography and legislative reform show the continuation of interest in these important subjects. The new spirit of industrial activity in the State finds echo in the contribution devoted to one of the rapidly developing industries of the South. The citizens of Mississippi and Louisiana will doubtless find much to interest them in the contribution devoted to the boundary controversy between these Commonwealths.

F. L. R.

University, Mississippi, February 24, 1905.





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## OFFICERS FOR 1904

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Mississippi.

All persons who are interested in the work of the Society and desire to promote its objects are invited to become members.

There is no initiation fee. The only cost to members is, annual dues, \$2.00, or life dues, \$30.00. Members receive all *Publications* of the Society free of charge.

Address all communications to the Secretary and Treasurer of the Mississippi Historical Society, University P. O., Mississippi.

## PROCEEDINGS OF THE SEVENTH ANNUAL MEETING OF THE MISSISSIPPI HISTORICAL SOCIETY.

BY FRANKLIN L. RILEY, *Secretary*.

The Seventh Annual Meeting of the Mississippi Historical Society was held at Jackson, Miss., on the 7th and 8th of January, 1904. The first session of the meeting was held in the Hall of Representatives in the new State House, on the evening of January 7. It was presided over by General Stephen D. Lee, President of the Society. The exercises were opened with prayer by Dr. W. B. Murrah, of Millsaps College. A valuable paper, entitled "An Ante-Bellum Historical Society," (see page 227) was then presented by the Rev. Z. T. Leavell, of Jackson, Miss. Notwithstanding the excellence of this contribution, its presentation brought a feeling of sadness to the audience, since the faltering voice of the reader seemed to give a sad prophecy of the fact that his valuable historical services to his native State were rapidly drawing to a close. The second paper of the evening was read by Franklin L. Riley, of the University of Mississippi, on "The Work of the Mississippi Historical Society." Hon. E. F. Noel, of Lexington, Miss., then delivered an address on "The Primary Election Law of Mississippi" (see page 239). The following papers were presented by title: "Federal Land Grants for Educational Purposes in Mississippi," by Chancellor R. B. Fulton, of the University of Mississippi; "The Confederate Orphans' Home of Mississippi," (see page 121) by Miss Mary J. Welsh, of Shuqualak, Miss.; "History of Levee Legislation and Levee Building in Mississippi,"<sup>1</sup> by Hon. J. W. Cutrer, of Clarksdale, Miss.; "The State as Pictured by Its Poets,"<sup>1</sup> by Prof. Dabney Lipscomb, of the University of Mississippi. The President of the Society then announced the following committees: Nominations, Rev. Z. T. Leavell, of Jackson, Miss., Mr. Goode Montgomery, of Ellisville, Miss., and Mrs. Helen D. Bell, of Jackson, Miss.; Resolutions, Hon. Dunbar Rowland, of Jackson,

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<sup>1</sup> This paper was not submitted to the editor in time for insertion in this volume of the *Publications*.



Miss., President J. R. Preston, of Natchez, Miss., and Dr. R. W. Jones, of the University of Mississippi.

The second session of the meeting convened in the Hall of Fame of the Department of Archives and History, January 8, at 10.30 a. m. This meeting was well attended, every available seat in the hall being occupied. In opening the session General Lee made a few appropriate remarks about the relations between the Historical Society and the Department of Archives and History and about the appropriateness of holding a meeting of the Historical Society in the Mississippi Hall of Fame. The report of the Committee on Nominations was read and approved. The names of the officers of the Society who were then elected for the ensuing year will be found in another part of this volume (see *supra*). The Committee on Publications for 1904 is as follows: Prof. Dabney Lipscomb, Prof. A. L. Bondurant, Prof. J. G. Deupree, of the University of Mississippi. A paper by Judge J. A. Orr, of Columbus, Miss., on "Life of Hon. James T. Harrison" (see page 187) was read by General Lee, Chief Justice A. H. Whitfield occupying the chair. A contribution, entitled "Choctaw Land Claims," was then presented by Franklin L. Riley. Mr. Dunbar Rowland, Director of the Department of Archives and History, made a brief talk on the portraits in the Hall of Fame. Bishop Chas. B. Galloway, of Jackson, Miss., then gave, in a few well chosen words, an interesting account of the "Career of David O. Shattuck, Jurist, Educator and Divine."<sup>2</sup> The following papers were presented by title: "Edward C. Walthall, the Ideal American Senator,"<sup>2</sup> by Dr. James W. Garner, of the University of Illinois; "History of the Jews in Mississippi,"<sup>2</sup> by Rev. W. Willner, of Meridian, Miss.; "Early History and Archaeology of Yazoo County" (see page 427), by Judge Robert Bowman, of Yazoo City, Miss.; "Early Settlers of Noxubee and Winston Counties,"<sup>2</sup> by Rev. A. A. Taylor, of Hashuqua, Miss.; "Tristan de Luna,"<sup>2</sup> "Colonel William Ward and the Great Choctaw Gathering on the Yockenookany, August, 1831,"<sup>2</sup> "Gaines' Trace and the Choctaw Exploring Delegation,"<sup>2</sup> "Story of the Treaty of Fort Confederation,"<sup>2</sup> and "Choctaw Animism,"<sup>2</sup> by Mr. H. S. Halbert, of Meridian, Miss.; "Antiquities of the Pascagoula

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<sup>2</sup> This paper was not submitted to the editor in time for insertion in this volume of the *Publications*.

River,"<sup>2</sup> by Hon. Peter J. Hamilton, of Mobile, Ala.; "Some Facts in the History of the Chickasaw Indians,"<sup>3</sup> by Mr. Harry Warren, of Eagle Pass, Tex.; "Indian Mounds" (see page 521), by Dr. Gideon Lincecum.

The third session of the meeting was held in the Hall of Representatives, beginning at 8.30 p. m., January 8. General Lee made some opening remarks on the services of the University of Mississippi to State history, and then introduced Mr. Montgomery, of Ellisville, Miss., a recent graduate of the University, who read an interesting paper, entitled "Alleged Secession of Jones County" (see page 13). Franklin L. Riley and General Lee then made some remarks on the subject discussed by Mr. Montgomery. Judge R. C. Beckett, of West Point, Miss., being unavoidably detained at home on account of sickness, his paper was read by the Secretary, and was discussed by him and by General Lee. The following papers were then read by title: "History of the Y. M. C. A. Movement in Mississippi,"<sup>4</sup> by Supt. J. R. Dobyns, of Jackson, Miss.; "History of the Temperance Movement in Mississippi,"<sup>4</sup> by Hon. C. H. Alexander, of Jackson, Miss.; "Reconstruction in Monroe County,"<sup>4</sup> by George J. Leftwich, Esq., of Aberdeen, Miss.; "Some Effects of Military Reconstruction in Monroe County" (see page 177), by Judge R. C. Beckett, of West Point, Miss.; "Reconstruction in Rankin County,"<sup>4</sup> by Mr. G. G. Hurst, of Florence, Miss.; "Reconstruction in Wilkinson County" (see page 153), by Hon. J. H. Jones, of Woodville, Miss.; "Reconstruction in Calhoun County,"<sup>4</sup> by Judge A. T. Roane, of Grenada, Miss.; "Reconstruction in Pike County,"<sup>4</sup> by Rev. C. H. Otken, of McComb City, Miss.; "Reconstruction in Washington County,"<sup>4</sup> by Hon. J. S. McNeily, of Vicksburg, Miss.; "Reconstruction in Jefferson County,"<sup>4</sup> by Judge Jeff Truly, of Jackson, Miss.; "Recollections of the Prison Life of Jefferson Davis and C. C. Clay,"<sup>4</sup> by Mr. Lemuel Shipman, of Meridian, Miss.; "History of a Pay Roll; "Sketch of Company B, Armistead's Cavalry Regiment" (see page 33), by Judge R. C. Beckett, of West Point, Miss. The Society then adjourned subject to the call of the Executive Committee.

<sup>2</sup> Mr. Warren contributes to this volume of the *Publications* three articles in lieu of the one here referred to.

<sup>4</sup> This paper was not submitted to the editor in time for insertion in this volume of the *Publications*.





## ALLEGED SECESSION OF JONES COUNTY.

By GOODE MONTGOMERY.<sup>1</sup>

Historic old Jones county began its career in 1826, when it was formed out of parts of Wayne and Covington counties. It was named for that intrepid seaman, John Paul Jones. This county developed very rapidly during the first four or five years immediately following its formation. Its prosperity then received a check from which it did not recover until after the War between the States. When the Choctaw lands in the central and northern parts of Mississippi were opened for settlement, a wholesale emigration set out from the older parts of the State for this newly opened country. As a result, Jones county, in common with many other counties of South Mississippi, was well-nigh depopulated. Col. J. F. H. Claiborne, who visited Jones county in 1841, wrote in his "Trip through the Piney Woods," that there was not a doctor in all the county and that lawlessness was so rare that circuit court rarely lasted more than one day.

About this time, the county officers, who were chosen at the regular election, failed to qualify, as the offices paid almost nothing, owing to the scattered population and the absence of litigation. When the terms of the retiring officers had expired, they left without ceremony, and the county was left for a considerable length of time without legal administration. Finally one of their number became interested enough to ride to Jackson on horseback to take the oath of office. He then returned and administered the oath of office to the other officers-elect.

From this period, according to the majority of the old citizens, though some put it at a later time, dates the rise of the title, "Free State of Jones," which has been sounded far and wide in

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<sup>1</sup> Goode Montgomery was born on a farm in Pontotoc county, Miss., Oct. 7, 1877. He is of English, Scotch and Irish descent. His ancestors removed to Mississippi from Georgia and South Carolina. In 1903 he was graduated from the University of Mississippi with the degree of B. A. Since that time he has successfully prosecuted a course of graduate work in History and Economics in the same institution. He is now teacher of History and English in the Ellisville Graded School.—EDITOR.

the subsequent stories told of her. Another version of the origin of this title is that it was given to the county by the citizens of neighboring counties who lived near the Gulf coast and along the line of what is now the Mobile and Ohio railroad, because of the entire freedom of the citizens of Jones county from the arbitrary rules of society and the restraints of fashion recognized elsewhere. They went to church barefooted, dressed in any way they saw fit, and carrying their guns to use in case any game might cross their path.

After the "exodus," referred to above, Jones county slowly grew in population until the War between the States, though at the opening of this great struggle it was but sparsely populated. In politics, Anti-Bond Democrats were in the majority. It was said by the *Natchez Daily Free-Trader* that there was not a Bond Democrat in Jones county in 1841. When the question of secession came up, they were almost a unit against it and elected J. D. Powell, the Anti-Secessionist condidate to the Secession Convention by a large majority, there being only twenty-four votes cast for J. M. Baylis, the Secessionist candidate. But when the test came, Powell voted for secession. This act created great excitement in Jones county. Powell was hanged in effigy and abused so much that he did not dare return to the county for some time.

Notwithstanding all this demonstration, Jones county readily responded to the call of the Confederacy for troops, furnishing from her scanty population, three full companies and a great part of four more which were formed on her borders. One of these was formed just over the line in Covington, one in Wayne, and two in Jasper. The greater part of these troops served throughout the war.

A few deserted and came home, most of them after the "Twenty Negro Law," as they called it, was passed. Among these was Jasper Collins, who said that he did not propose to fight for the rich men while they were at home having a good time. In the latter part of 1862, the famous "Newt Knight Company" was formed, with Newt Knight as captain, Jasper Collins First Lieutenant, and W. W. Sumrall Second Lieutenant. Several of those who deserted from the Confederate army joined this company, which numbered when it was organized about sixty

men, but later was increased to about one hundred and twenty-five. Its members came from various parts of the country. Knight was from Jasper county, while others were from other counties and even from other States. They had their headquarters on an island in Leaf river near the present town of Soso. From this place they made their raids, which greatly annoyed the local Confederate authorities, and to it they retreated when pursued by an enemy. They captured a wagon train belonging to the Confederate forces, but the greater part of their exploits was among the civilians of Jones and Jasper counties. They had some communications with the Union officers at Memphis and Vicksburg. Jasper Collins was detailed by Captain Knight for this mission. He reported at Memphis but was referred to Vicksburg, where he went and reported to an officer by the name of General Hudson, or Huddleston (he does not remember which). From this general, he received some orders and instructions which Collins carried back to Captain Knight. These were of a military character and related to having Knight's company sworn into the regular Union army. This company fought several battles with the Confederate forces, one, on Tallahala Creek, near where Laurel now is; another, in Ellisville; and a third near their headquarters on Leaf river.

The county government was never interrupted, but went from the Union to the Confederacy and back to the Union without a hitch. The officers scarcely knew the difference. E. M. Devall, whose wife still lives in Ellisville, served as sheriff from just before the outbreak of the war until near its close, when he was succeeded by Henry Dossett, who served till the regular election after the close of the war. At that time Dave Pridgeon was elected sheriff, together with a full ticket of county officers, all of whom resigned, leaving the county for the second time without a legally organized government. Soon, however, other officers were appointed to fill their places, but not carpetbaggers, as was the case in most of the other counties of the State at that time. The fact that Jones county was never bothered with the pest of alien rule was due mainly to the fact that few negroes were in the county. According to the view of a few persons, the name, "Free State of Jones," arose at that time.

After the close of the war, when the loyal Confederates came



home, they were ashamed of the reputation which Jones county had acquired in being the rendezvous of Knight's men, and also the scene of the demonstration against Powell for voting against secession. They wished to change the name, and, as far as possible, blot out this record. They, therefore, petitioned the State Legislature, in 1865, to change the name of Jones county to Davis county, in honor of the President of the late Confederacy. They also wished the name of the county site changed from Ellisville to Leesburg for General Robert E. Lee. The petition was granted. But later the government changed hands and V. A. Collins, a native of Jones county who joined the Union army, represented her in the State Legislature. Under his influence, the name was changed back to Jones and the county site to Ellisville.<sup>2</sup>

The foregoing account is a brief general outline of the history of Jones county to about 1870. It has been gathered from the older citizens of the county and from such records as could be found by the writer. The story of the secession of this county dates from 1886, when an article from the pen of G. Norton Galloway, Historian Sixth Army Corps, was published in the November number of the *Magazine of American History*, under the title "A Confederacy within a Confederacy." There was no sketch of the author nor anything except his signature by which he might be located. He gave no sources nor authorities for his statements. But for the fact that it was published in a magazine devoted to history, one would naturally place it, where it belongs, along side the sensational stories that appear in magazines devoted to such writings.

He says among other things:

"It is not generally known, that in the latter part of the year 1862, a convention assembled in Ellisville, Jones county, Mississippi, and passed an ordinance seceding from the State of Mississippi and from the Confederate States of America."

He even went so far as to give the exact words of the ordinance, which are as follows:

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<sup>2</sup> V. A. Collins also represented the county in the Black and Tan Convention, but soon becoming disgusted, returned home. That, however, did not stop his pay. He drew his salary, and used it in paying the State taxes for Jones county for that year, saying that his county should not suffer for the extravagance of a convention of which he was a member.

"WHEREAS, The State of Mississippi has seen fit to withdraw from the Federal Union, for reasons which appear justifiable, and whereas, we, the citizens of Jones county, claim the same right, thinking our grievances are sufficient by reason of an unjust law passed by the Congress of the Confederate States of America, forcing us to go to distant parts, etc., etc., therefore, be it

*Resolved*, That we sever the union heretofore existing between Jones county and the State of Mississippi, and proclaim our independence of said State, and of the Confederate States of America—and we call upon Almighty God to witness and bless the act."

The only source which the writer gave and which I have been able to find, is his own fertile imagination. It would have been no more than just to his readers, to history, and to himself, for him to have told us where such rare and interesting documents could be found. This convention must have been very quiet and uninteresting to the inhabitants of Ellisville at the time; for Mrs. Devall, wife of the sheriff, never heard of it. According to the testimony of Henry Parker, postmaster under the Confederate Government, no rumor of it ever reached the post office, the place in a small village where the news is usually gathered and disseminated.

Again, he names as president of this new government, one Nathan or Nate Knight, a man unheard of in Jones county. He, perhaps in his ignorance, got the name from Newt Knight, captain of the company mentioned in a preceding paragraph. There is some resemblance between the character he describes and Newt Knight, but if he intends for his statements to apply to Newt Knight, it is full of inaccuracies. He calls him a citizen of Jones county. This is not correct. He is not a citizen of that county, nor has he ever been unless he could have been called a citizen when he commanded the company with headquarters in Jones county. He now lives where he has lived about all his life, in Jasper county, Mississippi. The writer of the magazine article also states that Knight is never seen outside his home without his "trusty" rifle and revolver. Here he errs again; for Knight goes wherever his business calls him, and lives peaceably with his neighbors just like any other ordinary farmer.

Mr. Galloway also makes the absurd statement that the population of Jones county increased at the beginning of the war, in little more than a year, from about three thousand to over twenty thousand. It is impossible to conjecture where he got his data

for this statement. There was certainly no census taken at that time, and the people who were then living in the county say there was no perceptible increase in population during the first two years of the war. They say, to the contrary, that there was a decided decrease immediately after the beginning of the conflict, due to the great number of citizens who enlisted in the Confederate armies; and that after the organization of Knight's only a slight increase was noticeable.

Again, the "Historian of the Sixth Army Corps" gives the number in Knight's army as ten thousand. This assertion is in keeping with the preceding exaggerations, but according to Lieutenants Collins and Sumrall, of this company, it never numbered over one hundred twenty-five men, and the greater part of the time there were not over eighty men in service. He was correct in saying that this band gave the Confederate authorities a great deal of trouble. But this was not on account of their great numbers; it was rather due to the character of the country in which they fought and to the accurate knowledge which Knight's men had of it. The thickets and the heavy timber throughout the country where they carried on their operations greatly aided the small band in opposing the superior forces of General Robert Lowry, who was sent by the Confederate Government to capture them. When they were in Jones county, Collins and Sumrall knew every path, and when they crossed into Jasper county, Knight was on home soil. General Lowry, after considerable marching and some fighting, succeeded in capturing a few of Knight's men, but the main body with their leader escaped. General Lowry never heard of the establishment of an independent government in Jones county, and yet he was in all parts of the county and conversed not only with the loyal Confederates but with those of Knight's men whom he captured.

Mr. Galloway's account of Jones county in 1886 is badly warped. Although there was not the best of feeling between some of Knight's men and some of the other citizens, there was nothing like the vendetta system of which he tells us. He says that he withheld many of the names of members who were prominent in the Knight Confederacy for prudential reasons. This is a remarkable statement in the light of the fact that no one of Knight's men with whom the writer of this article has talked, was



ashamed to be numbered with that company. If they were not ashamed to be numbered in a military company which was openly hostile to their own county and State, they certainly would not object to its being known that they had a government of their own and served it. Again, the people of Jones county know who of their number belonged to this company and do not hesitate to tell who they are. Their names appearing in a magazine published in a distant part of the United States would hardly have brought forth any direful results. Very few of them know to this day that Mr. Galloway's article was ever written. It would certainly have enriched our knowledge and enhanced the historical value of his own production, if Mr. Galloway had stepped a little farther over the bounds of what he terms prudence and given us a few names of the prominent officers and men in this interesting government. The investigator is inclined to think that it was from a lack of names rather than from a sense of prudence that the gentleman stopped at this point.

Another inaccuracy shows Mr. Galloway's recklessness in dealing with facts. He says:

"The county building in Ellisville is an unpretentious barn-like structure seemingly perfectly unconscious of ever having played the part of a capitol, in an affair that now reads like a chapter of the imagination."

The "barn-like structure" to which he refers had been burned ten years before he wrote and the town had been moved to another site, where a new brick courthouse had been built.

In the *New England Magazine*, December, 1891, appeared an essay by Prof. Albert Bushnell Hart, of Harvard University, in which he makes assertions similar to those made by Mr. Galloway, and gives Mr. Galloway's article as his authority. This fact, taken with Dr. Hart's answer to an enquiry, which has been recently addressed to him, is sufficient to satisfy anyone that he should no longer be quoted as an authority on the subject. In a letter of February 8, 1904, addressed to the writer of this article, he makes the following statement:

"The article on Jones county about which you ask, was printed in the *New England Magazine* for December, 1891. But I feel doubtful now whether the evidence is sufficiently weighty to be so stated."

Another publication that has been found taking the affirmative view of this question has more semblance of authority than either

of the others. It was written from Jones county by H. W. Harper and was published January 10th, 1896, in the *Raymond* (Miss.) *Gazette*, of which he was editor. The following letter from Mr. Harper is self-explanatory:

"Raymond, Miss., Jan. 30th, 1904.

"Mr. Goode Montgomery, Ellisville, Miss.:

"Dear Sir: I have been very much interested for some time in the matter of the "Alleged Secession of Jones County" and had hoped to get some information upon the subject that could be relied upon when your article, read before the State Historical Society, should appear in print. Now Judge my surprise and disappointment that I should be applied to for information on the subject.

"The article to which you allude, that appeared in my paper in 1896, was not by a resident of Jones county. I wrote it myself after a sojourn of a few weeks in Ellisville. I would gladly clip my file to send you a copy of it, could it be of any use to you, but I am sure it cannot for it gives no information at all.

"I will watch for your article when it shall be published as I have a great desire to know the facts.

"I wrote a story some time ago on the subject (that I have never yet printed) which pretends to tell all about it; but it is entirely fictitious with no more foundation than the report which is familiar to almost everyone, that Jones county did secede.

"Yours truly,  
"H. W. Harper."

Only one article has been written denying the secession of Jones county. In Volume I. of the *Publications of the Mississippi Historical Society*, Professor A. L. Bondurant, of the University of Mississippi, published a contribution on this subject. He dealt with it from an external standpoint, and brought out some valuable external evidence, but failed to cover the whole ground, and thereby to satisfy some people who still insist that Mr. Galloway and Prof. Hart were right. It is barely possible that such a convention as that reported by Mr. Galloway could have been held in Jones county without the knowledge of those men whom Professor Bondurant quotes as authority.

There were in Jones county three distinct groups of men who might have felt inclined to pass an ordinance of secession while the war was in progress. The first of these were the citizens who were there before the opening of the war, took part in the election of Powell to the Secession Convention, and afterward enlisted in the Confederate army. The second were the old men and officers who controlled civil affairs under the Confederate Government. The third were those men who were not satisfied with the Con-

federacy and were collected in Jones county under the leadership of Newt Knight.

The writer has seen a large number of men who belong to the first of these groups. Although some of them say they were dissatisfied with secession, all deny that they ever had any intention of seceding and say that they never heard such an intention expressed by any one else. They enlisted early in the war and served until they were mustered out in 1865, as faithful to the Confederacy as any troops in the Southern army.

The old men and officers were in general loyal to the Confederacy, as was shown by their fierce opposition to the Federal troops when they attempted to pass through Jones county. A detachment of Federal troops had been sent across the country from near Brookhaven for the purpose of destroying the Mobile and Ohio railroad about Waynesboro. Lieutenant W. M. Wilson, of the 43rd Tennessee infantry, was sent to intercept this force. In his report, Lieut. Wilson wrote that he had to start with two men from the infantry company and a few of Terrill's cavalry; also that he was joined along the route by a number of men from Covington and Jones counties. On June 25, 1863, at Rocky Creek, near Ellisville, Jones county, he succeeded in getting in front of the Federals and by strategy was able to capture the whole band, after killing one and wounding several. Messrs. Collins and Parker stated that the county officers and some of the old men and boys from Ellisville joined this lieutenant and fought in this battle. Lieutenant Wilson afterwards turned the wounded and the dead over to the these citizens, who cared for the one and buried the other. Their loyalty was further shown when General Lowry was sent to Jones county, he and his men were shown every kindness by the majority of the citizens and all the officers.

The last named group, according to the testimony of Jasper Collins and W. W. Sumrall, made no movement toward taking charge of the county affairs or of carrying on any civil functions at all further than offering their services to Sheriff Devall in case he should need them to put down lawlessness.

There could not, therefore, have been any secession movement in Jones county, unless it had been by such a group as the one described to the writer of this paper by Mr. W. T. Lewis, Jr. He



said he had heard that eight men met in Tallahala swamp, a few miles above Ellisville, and passed an ordinance of secession. He gave the names of some of these men, one of whom was promptly interrogated on the subject. This gentleman seemed very much surprised when asked about it, and replied that he had never heard of the occurrence. Even granting that such a company had played such a game of "make believe," its action could not be called an action of Jones county.

There seems to be only one person who really contends that Jones county did secede, and if he could be found, perhaps, he would do as the others have done who have written on the subject, tell us that he knew nothing about it, or that he wrote from unsafe premises. On the other hand, every one whom the writer of this paper saw of those who were living in Jones county at the time or knew anything of affairs there during the war, stated emphatically that such proceedings were not heard of until many years after the close of the war.

#### SOURCES.

- Files of *The Daily Free-Trader*, 1841-2.  
*Proceedings of State Legislature*, 1865-1870.  
*Magazine of American History*, Nov. 1886.  
*Practical Essays on American Government*, Prof. A. B. Hart.  
 Vol. I. *Publications of Mississippi Historical Society*.  
 Vol. XXIV, II. *Records and Reports of War of Rebellion*.  
 Rev. Hector Smith, Laurel, Miss., native of Jones county, Confederate soldier, Presbyterian minister.  
 Henry Parker, Laurel, Miss., postmaster at Ellisville, Miss., during the entire existence of the Confederacy.  
 M. P. Bush, Laurel, Miss., moved to Jones county 1850, Confederate soldier, now on Board of Aldermen of Laurel, Miss.  
 A. B. Jordan, Ellisville, Miss., native of Jones county, Confederate soldier, petitioner to have Jones changed to Davis county.  
 John Bynum, Ellisville, Miss., native of the county, county clerk for several terms, Confederate soldier, petitioner to have county's name changed.  
 Mrs. E. M. Devall, Ellisville, Miss., who lived at Ellisville during the war and was wife of the sheriff of Jones county at that time.  
 Ex-Gov. Robert Lowry, Jackson, Miss., who commanded the troops sent to capture Knight.  
 Jasper Collins, Fellowship, Miss., native of Jones county, 1st. Lieut. in Knight's company, special commissioner to the Federal officers at Vicksburg.  
 W. W. Sumrall, Ellisville, Miss., 2nd. Lieut. in Knight's company.  
 Madison Herrington, J. T. Herrington, Jesse M. Bush, John W. Quick, J. F. Parker, T. J. Hardy, W. H. McGowan, Dr. D. R. Pool and others, all of Ellisville, Miss.

# INDEX TO CAMPAIGNS, BATTLES AND SKIRMISHES SERIES I.

IN MISSISSIPPI FROM 1861 TO 1865.

BY STEPHEN D. LEE.<sup>1</sup>

This contribution is intended to be a complete index to the accounts of military operations in Mississippi as published by the Federal Government in the *Official Records of the Union and Confederate Armies*, Series I.<sup>2</sup>

The numerical references here given are to volumes alone, and not to parts thereof. The indices to the several parts of volumes should be consulted for the reports, etc., relating to any event. Where the page reference is given it is to supply an omission in the volume index. For contemporaneous operations during each month of the years 1860-1865, see title Operations.

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<sup>1</sup> A biographical sketch of the writer of this contribution will be found in the *Publications of the Mississippi Historical Society*, III., 21-22.—EDITOR.

<sup>2</sup> The following letter of transmittal is self-explanatory:

"Columbus, Miss., July 28, 1904.

"Prof. Franklin L. Riley, Ph. D.,

"Secretary, Mississippi Historical Society.

"My Dear Sir:

"I have carefully gone over all the Battles and skirmishes in the official index of the Government publications of the Union and Confederate Armies, and have selected all named as having occurred in the State of Mississippi and on the Mississippi river. I intended to have written an article on them, as supplementary to the accounts I have written of the principal battles in our Society Publications, but as I find the number so much greater than I expected and as the list given points the future historian to where he can find the official accounts, I do not deem it necessary. The list brings out this curious fact, that in military campaigns the two armies are in almost daily combat, developing many minor actions.

"Your truly,

"Stephen D. Lee."

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## A SKETCH OF THE CAREER OF COMPANY B, ARMISTEAD'S CAVALRY REGIMENT.

BY R. C. BECKETT.<sup>1</sup>

In August, 1863, J. G. Ryan, Wm. Frederick Smith, and the late Dr. William H. Baird formed a cavalry company of young men and boys at Crawford, in Lowndes county, Miss.

The commissioned officers were: Captain Ryan, First Lieutenant Smith, Second Lieutenant Baird and Third Lieutenant Dailey. There were twenty-eight non-commissioned officers and privates, making, at first, thirty-two in all. Lieutenant Smith was invalided home on account of his bad health, and after Captain Ryan left us at or near Rome, Ga., Lieutenant Baird took command of the company, and retained it during the remainder of the war. At the organization of the company Aden P. Turner was made orderly sergeant, but he too was soon sent home on account of bad health. As I was second sergeant I became the acting orderly sergeant, which place I held during the remainder of the war.

Captain Ryan was a Canadian Irishman, who had been wounded in seventeen different places in the battle of Shiloh. He, with a Kentucky soldier, a Mr. Bodine, who had also been badly wounded at Shiloh, was sent back to Crawford Station, Miss., to be nursed into health and usefulness. Captain Ryan had a drawn up and crippled arm and a "game" leg, as a result of his experience at Shiloh.

The company rendezvoused at Whitefield, now Sturgis, on the Canton, Aberdeen & Nashville railroad, in Oktibbeha county, for camp and drill. Orders were there issued to arrest and send to the army, deserters and "stay-at-homes."

A good many deserters were accordingly arrested and sent back to their commands under promise of immunity, which we

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<sup>1</sup> A biographical sketch of the author of this contribution will be found on pages 177-178 of this volume.—EDITOR.



were authorized to extend, as soldiers were badly needed. But the "stay-at-homes," as a general rule, asked permission to join our company, and as they appeared to be in earnest and willing to help, we took them in. We soon found, however, that they had "taken us in"; for when we got orders to leave, every mother's son of them disappeared. As our orders were peremptory, and of course, prevented our going back after them, we never had the exquisite pleasure of seeing them any more.

We went on to Aberdeen and, taking charge of some prisoners whom General Forrest had captured, escorted them to Demopolis, Ala. There was among them a little drummer boy about twelve or thirteen years of age. As the captives were all marching on foot, this lad's shoes soon rubbed the skin off his little heels. I offered to take him up, and let him ride behind me. He accepted my proffered kindness, but stoutly refused to make friends with me. When we would strike camp at night and the little boys of the neighborhood would come to the camp to see things, this little fellow would abuse them and ask me to let him whip them. He was unreconstructed to the last, and yet somehow I always thought that if he ever got a chance afterwards, he would not be very hard on me.

From Demopolis we went to Dayton, Ala., and with other companies which met us there, formed a regiment, which was the 16th Confederate Cavalry, but was always known as Colonel Armistead's Regiment. Its officers were Col. C. G. Armistead, Lieutenant-Colonel P. B. Spence, and Major William Yerger, late Mayor of Greenville, Miss. Colonel Armistead was promoted to the office of brigadier-general for gallantry at Lafayette, Ga. But he was wounded in the head in that engagement and his mind was so affected that he was sent back to his home, which according to my recollection was Grenada, Miss., and we never saw him again. After that the regiment was commanded by Colonel Spence.

From Dayton we went to Blue Mountain, Ala., where with Colonel Ball's Alabama Regiment and Harrell's Battalion, we were formed into a brigade under Gen. Gideon J. Pillow. One moonlit night Orderly Sergeant John W. Turbeville, of Morgan's company, George Hairston of my company, a private from Morgan's company, who was killed at Lafayette, and I got the

pass-word, and started out to a sutler's camp near by to have a good time. When on the way, and right in the middle of the road we ran upon General Pillow, Colonel Armistead, Colonel Spence, and several staff officers, who had been holding a council of war. They ordered us to be placed under arrest, and threatened us with a court-martial. Turbeville and I were ordered to remain in our company quarters, and Hairston and the other young man were placed under guard. A day or two later we were released and the matter was dropped by *mutual consent*. The command then started on the Georgia raid, to Lafayette, Ga. We got there in the morning just before daylight, and dismounted, every fourth man holding the horses, and charged into the town from the northwest side. General Neely of Forrest's command met us there with a part of his brigade, and they at the same time charged into the town from the south side. The movement was well planned, and we captured about one hundred and sixty prisoners, and I think General Neely captured a good many more, but some of the enemy got away to the east, and unfortunately some whom we had headed off, about a thousand Kentuckians, got into the brick courthouse in the center of the town square, piled sacks of corn and other things against the doors on the inside, and refused to surrender. We had no cannon, but charged up to a ditch on the north side of the square, and getting into it, we had greatly the advantage; for we were all in a line watching the windows, and when any of the enemy would appear at the windows and attempt to shoot, our concentrated fire would tumble them over. They finally quit trying to fire upon us and waited in silence. We were then ordered to charge the house and try to get in. That was a mistake, at least in not leaving some men in the ditch; for as we charged through an apple orchard in the north side of the courthouse lot, the windows filled with Kentucky yankees, splendid shots, and they gave us "hail Columbia," killing and wounding many of our men, and officers. Among the wounded were Colonel Armistead, and Captain J. D. Lynch, the poet laureate of the Columbian Exposition of Chicago, who recently died at Sulphur Springs, Texas.

I remember a ball struck Colonel Spence's sword buckle in front of his stomach, and glanced being thereby prevented from going through him. It made him vomit freely, however. He

was very sick for awhile but staid with us, and would not leave. The enemy were soon heavily re-inforced from the north, and we were compelled to retreat, but brought off our prisoners in spite of their efforts to recapture them.

After that the enemy made a raid into Mississippi from Memphis, and we were ordered to Columbus to assist General Forrest, but after a forced march to and through Columbus and to the Tombigbee river, we learned that the enemy had turned back at West Point, Miss., and were then on the retreat, and had reached the vicinity of Egypt or Okolona. As there was no chance to overtake them, we were ordered to start immediately back to Opelika, Ala. From that place the command went with General Wheeler into Georgia, and as we had ridden long and hard we had a good many sore-back horses, which to the number of probably one hundred or more, were left behind, and Lieutenant Baird and I were left in command. He got an urgent request from the commanding officer at Mobile, stating that an immediate attack was threatened by way of Dog river and asking us to come down and help repel it. After talking the matter over, we concluded that it was the part of patriotism to go, and take the chances with our superior officers. Leaving our horses with a few men, we took the remainder of our force, about seventy-five, and reported at Mobile. We were placed several miles down the bay, on the Mobile side, where we remained about three or four weeks. I well remember seeing the Federal ships, one at a time, approach our fort on the opposite side of the bay, and lie for awhile to induce us to shoot, and thus get the size and range of our guns, and battery.

It was an interesting sight, and we brought our "school learning" into play. When the huge cannon from our battery would fire, we could see the great flash and the smoke rise, and soon afterwards we could see a great wall of water pile high up where the ball would strike, near the ship, or shell explode with a splash extending far up into the air. And then after we had listened until the suspense became almost painful, we would hear the heavy boom of the explosion from the mouth of the cannon. We took out our watches and timed it according to the books, to see how far the cannon were from us, and how far the shots went.

After gliding up until it would appear to us that the shots



would almost go under their sides, the ships would slowly retrace their course, and anchor in line with the other ships again, and there they would remain, silent sentinels watching and waiting for a chance to pass our battery and sail up to Mobile.

Before any attack was made, however, we were ordered to re-join our commands, which we did near Powder Springs, Ga., and there, as we expected, got a "curtain lecture" from Colonel Spence for going to Mobile without leave.

We joined Wheeler's cavalry and went up near Rome, Ga., to hold Sherman in check while Hood's army, on its way into Tennessee crossed at Gadsden, and passed up behind us. At Rome we were on the west side of the river, and Sherman crossed over and attacked us, and we had a hard fight to hold him in check until Hood got by. His army was passing rapidly in our rear, and we had to hold our ground at all hazards to keep Sherman from running into them. When he got Howard's corps across the river they deployed through the woods on each side of the dirt road and came charging right over us, firing and "huzzahing" as they came. They captured some of our men and the rest of us had an exciting time getting untangled from them and getting away. They sent a detachment round, and ambushed us in a ravine, and poured a hot fire into us as we passed. Here a ball splintered the wooden casing of my gun and knocked it out of my hand, tearing a tuft out of the shoulder of my coat, and clipping a little piece of the skin of my neck and shoulder. It came near knocking me off my horse. I was not more than about 75 or 80 feet from where the shot came, and I suppose that if it had not first hit the stock of my gun, it would have gone through me without much of a shock, but as it had spent most of its force on my gun and was somewhat in the nature of a spent ball, it made me feel as if I had been struck with a hammer.

As soon as Sherman found that Hood had passed him he ordered a halt, instead of following him, as we expected. After a little hesitation he turned and headed directly for Atlanta. My command followed his rear guard to a little place called Cedartown, where we were halted and ordered to go to Pollard, Ala., a railroad station north of Pensacola. I believe it was here that Sherman formed his plan of "marching to the sea." When we rejoined our command, as related above, at Powder Springs, we

got word that clothing would be distributed and a new roll made of our company, to contain the names of such men as were ready for duty. It was said that there was only about one suit to each four men and that we would have to draw lots for them. Captain Ryan, who was always very attentive to his men, requested me to make out the number just double what it really was by putting down the names of a sufficient number of absentees. This I refused to do and he took the roll from me and put the additional names down himself. In some way the part put down by him in his own handwriting created suspicion and soon led to the discovery that the roll was false and padded, which would of course deprive other companies of their just share of the clothing. Ryan was put under arrest, and owing to the seriousness of the offence was ordered under guard, and that night I had charge of the guard and he escaped and left for parts unknown. He had light hair, blue eyes and a fair and ruddy complexion, was of a generous, chivalrous nature, and very popular with his men, and I think Colonel Spence believed and probably still believes that I let Ryan get away on purpose. Sometime afterwards Lieutenant Baird told me that he knew where Ryan was, and that he was on General Wirt Adams' staff. I asked him how he knew and he said that Colonel Spence had told him he knew where Beckett's man, Ryan, was, and on Baird's asking him where, he said he had learned that he was in Mississippi, and on General Wirt Adams' staff. But he added that as Ryan was a foreigner, and owed the Confederacy no allegiance, and had shed his blood for it, and was still fighting for it, he had concluded to drop the matter and not have him brought back.

As above stated, we were ordered to Pollard. This movement was for the purpose of meeting a threatened raid of General E. S. R. Canby from Pensacola. When we got to Pollard we were placed under command of Gen. St. John R. Liddell. Canby had been on his raid, and, probably learning that we were endeavoring to cut him off, started on his return, and we started north to meet him. After leaving Pollard we marched towards Pensacola to get in touch with the enemy, and, finding that he was up the country, we started back north until we came to a little place called Pine Barren. Here, it seems that General Liddell, not knowing on which side of the river Canby was coming down

divided his command and crossing a part of it over, and sent the rest around a bend up on the right hand side of the river, with the intention of crossing them on a ferry boat higher up, if Canby was not on that side. Having crossed our part, we moved northward. It was not long till our advance guard reported that the enemy were advancing with all their forces in our front. We hurriedly deployed at a place in the road where there was a cornfield on each side, from which the corn had been gathered, leaving nothing but the stalks. There were fences around these fields, and we dismounted and formed in line behind these fences, but as the enemy debouched from the woods beyond, we had no time to make even temporary breastworks, and an open rail fence is a rather poor protection against Springfield rifle balls. To an outsider, or newspaper correspondent, it would have been a pretty sight. We had sent word to our other column across the river to cross at once and come to our assistance, and we were peremptorily ordered to withhold our fire. I suppose the reason for this was the fear that we might provoke a return fire from the enemy before our absent men could get across. We stood there and watched the enemy come up in columns to the other side of the field, and form in long blue lines on both sides of the road directly in front of us. It was very easy to see that they outnumbered our thin line several times over. It was a solemn sight and one that produced a very peculiar sensation. There was no excitement or fighting to drive away fear and trembling, while the enemy were forming in compact masses in our front not more than two or three hundred yards away. They lined up beautifully and in silence. Not a shot was fired on either side, but we well knew that when those lines were formed there would be "death in the pot." It was a terrible suspense; for we too well knew that in a few moments the bullets would be flying on their death-dealing mission thicker than hail. Just as they had about finished forming their lines we received orders to retreat at double-quick, but in good order, to our horses. As we started to retreat the long line of blue coats lit up with a sudden flash and the bullets came like a hurricane. We *did not wait* to retreat "in good order"; for we did not stand on the order of our going. When we got to our horses we were again formed in good order, and, after going down the road a short distance, marched along a dim side road



to the west and out of sight of the main road. There we were ordered to keep strictly in line, and to remain perfectly quiet. The enemy did not pursue us, but again formed in column, and came marching along the main road, apparently in fancied security. A part of our command had got across the river above, when they were ordered to follow and attack the Yankees in the rear, while the part which had not crossed were ordered to go back to where we had crossed and attack the enemy as they were crossing. The enemy was moving along the main road in silence, but pretty rapidly when we heard firing in their rear. Soon their rear, which by this time had got opposite us, began to show signs of confusion from this attack, and we were ordered out. We went with a whoop, and as they were not expecting an attack from that side, it made "confusion worse confounded," and we soon huddled them up at the river crossing, where we fired into them almost at will. While they were crossing, our trans-river detachment appeared on the other side and began to shoot into those who had crossed and were trying to form and protect those who still had to cross. This procedure created pandemonium. In the hurry to get across they left horses, cannon, wagons and all their movables sticking in the mud, making it the worst rout I ever saw. I was not at Manassas but I think that the rout in that engagement could not have been worse than the one I have just narrated. What few wagons they had got across were rushed to the front in the vain endeavor to save them, but our company, after we had crossed, were ordered to go at a double-quick around through the woods to their front, and do whatever damage we could. We galloped around a mile or two (there was no undergrowth among the tall pine trees to obstruct us) and then came upon them. When we began firing into them the wagons and teamsters took to the woods on the opposite side from us, and as the wagons and other vehicles struck the trees, they tore off the bark, and were broken and abandoned. We followed the retreating enemy until after nightfall, when General Canby showed the first evidence of true generalship. Seeing the hopeless rout of his forces, he rushed some of his best men ahead by a forced march, and forming them across the road, had them to lie down in the darkness to check our men in their pursuit. When our detachment, unconscious of danger, ran upon

this line of picked men, they rose all at once, only about a dozen paces off, and killed and wounded more of our men in a few minutes than we had lost during the entire day. That checked us and caused us to stop and rest for the night, not knowing what else might be in front. The next morning our front was clear and the enemy was entering Pensacola. I don't know whether it was all accidental or whether General Liddell was a master of circumstances, but it was the best planned and carried out attack I ever saw, and I cannot see how it could have been improved upon. It was General Liddell's duty to follow as he did, and he could not rightfully be held responsible for that night spurt of generalship on the part of General Canby, for the Federal army had every appearance of being utterly demoralized, and we had been shooting them like birds and there seemed to be no chance for them to rally if followed closely.

As we marched back next morning the dead and wounded were lying scattered all along the road and in the woods. We then camped several days near Pollard. I remember that one night our regiment and another had a big sham battle with lighted pine burrs. The officers took part in it, and some fellow was so mean as to hit Colonel Spence with a pine-knot. I believe another also took advantage of the occasion to hit Major Yerger. This kind of action was cowardly and uncalled for and soon broke up the fun.

Soon after this we went into camp near Fort Blakely. This was in February, 1865, and to a careful observer it was not difficult to see the beginning of the end. On February 10, after consulting with some of the officers, I wrote, with their approval, an article for the *Mobile Evening News*, urging the putting of the negroes into the army with us, and giving freedom to those of them who should prove faithful and help us out. I was only nineteen years of age, and, judging from this article, I then thought that I was a greater man than I now think I am. I hoped that it would come under the eyes of the higher officials, and would show them what we thought on the subject, and perhaps cause them to study the matter seriously. But from that time events crowded on each other with such rapid and startling effects that there was really no time to change the existing program, or to

try any experiment. Of course, I was careful not to express in this article the discouragement which we all felt under the then existing conditions.<sup>2</sup>

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<sup>2</sup> The article was copied in the *Mobile Register* from the *Evening News*. I cut it out and pasted it in a scrap book, which was found not long since in delving among some old books and papers. The expression, "as big a fool as Thompson's colt," was much in vogue at that time, and I used the initials "T. C." It may not be generally known now that toward the close of the war the course then proposed was seriously advocated. The article reads as follows:

[From the *Evening News*.]

THE EXPEDIENCY OF PLACING NEGRO TROOPS IN THE FIELD AND HOW THEY CAN BE EMPLOYED TO THE BEST ADVANTAGE—THE SITUATION OF OUR COUNTRY, &c., &c.

CAMP NEAR BLAKELY, ALA.,  
February 10, 1865.

Through the columns of your journal I would like to express my opinion on these subjects: There has been a great deal said about placing the slave population of the country, between the ages of eighteen and forty-five, in the army. Some think that the interests of the country would be best promoted by putting them in as teamsters; others that they should be placed in the ranks and made to fight upon promise of emancipation. My idea of it is this: Let the War Department at once make as accurate an estimate as possible of the real fighting element of our army, that is, of the real number of men ordinarily present for duty, and having made this estimate let them make a report of the same to Congress; then let Congress make a partial conscription of the young able-bodied negroes, and give to every white soldier a negro, as his own individual property, to wash and cook for him, but to do none of his other duties, such as standing guard, &c. Let the negroes so employed be armed and drilled separately, and in time of battle let each white man make the negro placed under his charge go into the battle beside him, and, my word for it, our negroes will fight better than those of the enemy. Make the white man responsible for the good behavior of the negro in camp; guarantee to every negro that performs his duties in a soldier-like manner and behaves well in battle his freedom after the war. If there is still fear of them deserting, let them be made to perform all the fatigue duties of camp, but never allowed to stand guard. The white men can do this duty and will thereby prevent the escape of the negroes and insure better discipline and efficiency of the army. The commissioned officers should see that the negro troops are properly treated by their temporary masters. Our army will thus be exactly doubled in regard to its real numbers and nearly so in regard to its real strength. Such an increase would, I verily believe, insure a complete overthrow of the grand combinations which our persevering enemies are now making against us.

Besides this, every place where a negro can be employed in the Quartermaster and Commissary departments should be filled by them. The teamsters and laborers of the army should be composed of negroes. Let their sable faces be seen in every military and civil department where they can be employed with advantage.

This is a great crisis in our struggle for independence, and there is not a moment to be lost.—Our enemy is now mustering his forces for his overthrow in the spring, and certainly it behooves us to be making counter



Soon after we had pitched our camp near Blakely, General Canby came out again from Pensacola. This time he had an army vastly superior to ours. He besieged Spanish Fort, and at the same time shut us up in Fort Blakely. Heavy skirmishing was kept up for some weeks. During this time our company was sent over once or twice to Mobile to do picket duty, and to watch the Yankee gunboats, after which we were each time ordered back and put in the trenches at Fort Blakely.

Finally Spanish Fort was taken by storm, and Canby then united his two divisions, and threw his whole force upon Fort Blakely, which he also took by direct assault, our small force being too weak to make much resistance, though we had held him at bay under heavy skirmishing for weeks. Our company had fortunately been detached and sent across to Mobile the day before the final assault, and missed being killed or captured.

When Mobile was captured by the Yankee squadron we retreated up the Mobile & Ohio railroad. The day after we left Mobile we had a skirmish with the Federal advance guard, which was closely following us. One of our men was killed at Eight-mile Creek, a short distance above Mobile. His name was John Randall, and I think he was the last man in the Confederate army

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movements to defeat his deep-laid schemes. What are we doing? "What you do, do quickly." This no time for speculation and inaction. We must act, and act quickly. We have begun a great revolution, and we must, and by the blessing of a great and all-powerful Jehovah will, if we are true to ourselves, win the great prize for which we have been contending for four long years, and for which our rivers and creeks are even now crimsoned with the best blood of the land. The bleaching bones of our fallen braves on a hundred battlefields tell us that our cause is a *holy* one, and that we must not basely abandon it. The wails and groans of widows and orphans all over our land ascending in whirling eddies to the throne of an incensed God; the burning homes and devastated fields, the general desolation that looms up all around us, the woes, and heartaches, and distress that spreads a dark pall of gloom over us, all these admonish us that we are contending with a heartless, unprincipled foe, and that he is terribly in earnest, and that we must use every available resource, and prove to him that we are determined to conquer or bury all in one seething, unfathomable abyss of extermination and ruin. We must leave him nothing but charred and blackened ruins to tell that this fair land was once inhabited. However, I hope it may never come to this, and if we act, and act promptly, as becomes a people fighting for the inestimable boon of self-government, it never will! I am a soldier in the true sense of the word, have been in the war since it commenced, have never yet occupied any *soft place*, and these are my honest sentiments. I give them for what they are worth, and hope you will be so kind as to publish them.

Respectfully,

T. C.

who was killed in the war,—at least east of the Mississippi river. As a matter of historical interest I have taken the pains to get up all the testimony I could on this point. Before giving the result of my inquiries on this subject I will close this narrative.

After leaving Mobile we went to State-Line station on the Mobile & Ohio railroad. After resting there a few days, we surrendered and marched to Gainesville, Ala., where we got our paroles from May 15 to May 19, 1865. While at State-Line we deliberated as to whether our company should cross the Mississippi river, and joining the Confederate forces on that side, keep up the fight. We finally concluded that such a course would be utterly useless, and that that army would probably surrender before we got there. We accordingly took our guns, which were short cavalry Enfield rifles, and hid them in old hollow pine trees and stumps and logs, thinking perchance some day we might go back and get them, but I doubt whether a single one of us ever went back. Those relics of the "lost cause" have all doubtless long since been found and appropriated by others, or else have succumbed to the ever-knawing tooth of rust and time.

And thus ended, at Gainesville, Ala., the trials and tribulations of Company B, as well as of Armistead's 16th Confederate Cavalry.

As stated above, I was the acting orderly sergeant, and in this capacity it was my duty to call the roll. I have no original list of the men's names, but so far as I can recollect, the names of Company B, in addition to those elsewhere mentioned in this article, were as follows: George Thomas, of Vicksburg; Eugene Robinson and Joseph B. Baird, from Sunflower county; James and his brother, Milton Smith, from Oktibbeha county, now the western part of Clay county; J. L. Marquis, from near Whitefield, Oktibbeha county; Bodine, from Kentucky; and George and Lewis Nance, Joseph and George Hairston, Jack Ledbetter, James Jones, Henry Ray, W. A. Clark, Wm. Martin, Jesse Smith, and Samuel Wherry (lately of Castalian Springs), all from the town and vicinity of Crawford, in Lowndes county, Mississippi.

# APPENDIX.

I here give the evidence I have collected as to who was the last man killed in the war east of the Mississippi river. The date of the killing of John Randall was April 13th, 1865.

By reference to President Davis' *Rise and Fall of the Confederate Government*, ii., 697-698, it will be seen that Mobile was evacuated on April 12, and that General Dick Taylor surrendered to General Canby on May 8, 1865, on pages 698-699 of the same volume, it will be seen that our general, J. E. Slaughter, had a conflict with the Federals on May 26, 1865, at a little encampment about fifteen miles above Brazos Satiago, in Louisiana, west of the Mississippi river, in the trans-Mississippi department, under General E. Kirby Smith. Speaking of the Federal expedition, President Davis says that General Slaughter "drove it back with considerable loss, sustaining very little injury to his command." He does not say whether we had any one killed, and if not then John Randall was the last man killed in the war. He closes with the following statement:

"This was, I believe, the last armed conflict of the war, and, though very small in comparison to the great battles, it deserves notice as having closed the long struggle—as it opened—with a Confederate victory."

Below follow the letters in reference to John Randall:

FROM *Mobile Register* OF JANUARY 16TH, 1904.

"To the Editor of the *Register*:

"I enclose letter from Judge R. C. Beckett. Can you give the desired information?

"GEORGE HAIRSTON.

"*Crawford, Miss., January 12th, 1904.*"

FROM *Mobile Register* OF JANUARY 16TH, 1904.

"In reply to Judge R. C. Beckett's enquiry as to the name of the soldier who is believed to have been the last man killed in the war of 1861-1865, comes information from old soldiers here that the man was John Randall of the 15th Alabama Cavalry, who after the battle of Blakely was on his way with other troops northward from Mobile. He was killed near Whistler in Mobile county, five miles from Mobile, on the line of the Mobile & Ohio Railroad. His body was buried there, but the mother of Randall had it reinterred in Magnolia Cemetery, Mobile.

"As for General St. John Liddell, who commanded the Confederate troops at Blakely—he escaped with the retreating troops from Blakely. Captain F. A. Lumsden says he retired to Louisiana, where he had a plantation on the Ouachita river; and a few years later was killed in the Jones-Liddell feud."

LETTER FROM JOHN B. DAVIS, OF DAVIS, MARSHALL & CO.

"R. C. Beckett,

"West Point, Miss.

"DEAR SIR: I notice in the *Register* of this morning a letter from you to Mr. Geo. Hairston, enquiring who the man was that was killed in the retreat from Mobile. This man was John Randall, a member of Co. G, 15th Confederate Cavalry, Col. Harry Maury. He was killed in a skirmish at Eight Mile Bridge. Capt. Frank Moore had a company of scouts made up of men detached, but not transferred from the different companies of



the 15th Confederate Cavalry, and John Randall was one of them. I think you will find in General Dick Taylor's book that he has this man as the last man killed in the Confederate war.

"Very truly,

"JOHN B. DAVIS."

FROM HON. E. L. RUSSELL, GENERAL COUNSEL, M. & O. R. R. Co.

12th April, 1904.

"Mr. R. C. Beckett,

"West Point, Miss.

"MY DEAR MR. BECKETT:

"Further replying to your letter of the 7th instant, which is herewith returned along with Mr. Davis' letter to you on the same subject, I beg to hand you a clipping which appeared in our *Mobile Register* on the morning of the 10th and 11th instant. It is hoped by this means to secure for you the information desired.

"Yours very truly,

"E. L. RUSSELL."

CLIPPING FROM *Mobile Register*.

"Mr. R. C. Beckett, of West Point, Mississippi, who is writing concerning war incidents for the Mississippi Historical Society, is still in search of information concerning the last man killed in the war on the Confederate side. Mr. J. B. Davis, of Mobile, has fixed a date of April 13th, 1865, for this event so far as concerns the army east of the Mississippi River. On that date John Randall, a member of the Mobile Dragoons, Company G, Fifteenth Confederate Cavalry, was wounded near Eight-Mile Creek bridge, Whistler, in Mobile County, and died the same day. Randall was one of a scouting party. Anyone having any written record of this event, especially as to the date, since Mr. Beckett, after having received the above information, through the *Register*, writes, saying, 'But I cannot get the date of his death,' will confer a favor upon Mr. Beckett by communicating with him on the subject, addressing him at West Point, Miss."

LETTER OF MR. DAVIS REFERRED TO BY HON. E. L. RUSSELL.

"MOBILE, ALA., Jan 21st., 1904.

"Mr. R. C. Beckett,

"West Point, Miss.

"DEAR SIR:

"Yours of the 20th to hand and noted. There is not a doubt but that John Randall was a member of the Mobile Dragoons, Co. G, 15th Confederate Cavalry, Col. Harry Maury. This company was raised by Genl. Jas. Hagan, and was afterwards commanded by Col. Wm. Boyles, who was promoted to colonel of the 56th Alabama, and then by John H. Marshall, who was retired from wounds, and made commander of the post at Greenville, Ala., and at the surrender by Louis J. Hallett. I was a member of this company, and of course, knew Randall. My impression is that there was no such command as the 15th Alabama Cavalry, at least I never heard of it.

"I have talked with two members of this scouting party since the appearance of this notice in the *Register*, one of whom was with the scout when Randall was killed, and the other a few miles in advance with the wagons. Colonel Ball never commanded the 15th Confederate Cavalry: it only had one colonel, and that was Harry Maury.

This scouting party came very near capturing General Canby at the Battle House door the day before Randall was killed, took one sentinel

out the Battle House barber shop, and another one out of McGill's shoe store on Dauphin street, and carried the prisoners out behind them on their horses. My impression is that he was not the last man killed in the war, but the last man killed east of the Mississippi river. I think there was some fighting in Texas after he was killed. I have spoken to Mr. Craighead in regard to this, and he says he will correct it.

"Very truly

"JNO. B. DAVIS."

LETTER FROM MRS. M. J. MURPHY.

"MERIDIAN, April 23rd, 1904.

"Mr. R. C. Beckett,

"DEAR SIR:

"The information you desire in regard to date of death of Private John Randall, member of the Mobile Dragoons, Company G, 15th Confederate Cavalry, who was killed near Eight Mile Creek, in Mobile County, and claimed to be the last Confederate soldier killed in the Civil War, will be furnished you in the course of a week.

"John Randall was my brother, and left college to join the army. I do not think he was over sixteen years old. You remember towards the last, the boys and old men were allowed to enlist. The date of his death is recorded in the family Bible, and my sister, Mrs. Taylor, has gone to Mobile to gather all recorded facts in regard to his death, and will write you from Mobile. Mr. William Beard, of Mobile, was a member of the same company, and of the scouting party, and removed brother from his horse when shot. He stoutly maintains that brother was the last soldier killed, and will gladly give you any information you wish.

"My brother's remains now lie in the family burying ground in Mobile.

"Respectfully,

"MRS. M. J. MURPHY."

LETTER FROM MRS. J. T. TAYLOR.

"Judge R. C. Beckett:

"I have been noticing communications in the Mobile papers as to who was the last Confederate soldier killed in our lost cause.

"My brother, John Randall, I think was the soldier. He was killed on the 13th day of April, 1865, in a skirmish with the Yankees. I enclose a piece which was written about a year ago and printed in the *Mobile Register*. I have preserved the piece on account of its sacredness to me. I hope you will be able to get a little information from it, and return it to me at the address of John Randall's sister.

"MRS. J. T. TAYLOR,

"6st-26 Ave.,

"Meridian, Miss."

NEWSPAPER CLIPPING ABOVE MENTIONED.

"To the *Herald*:

"In Sunday's issue of the *Herald* appears a very interesting account of the last battles of the Confederacy, which occurred around Mobile, and the last fight mentioned as having occurred near Whistler. This was at Eight Mile Creek bridge, between a detachment of about thirty men from Company G, of the 15th Confederate Cavalry, and about three hundred men of the 16th Georgia (should be 16th Confederate) Cavalry under the command of Colonel Spence, and the Federal forces.

"The Confederate forces were guarding the retreat of the army, and engaged the enemy at this point in order that the baggage wagons might

get a start and get out of the way. As this was the last fight, it may have been that in this fight also the last Confederate soldier was killed. It was at this place just north of the bridge where the brave and chivalrous John Randall, of Company G, 15th Confederate Cavalry, lost his life. He fell near where the residence of Mr. Liversage stands, and was buried by the Federals, but his body was removed a few days later by his family, who lived in Mobile. Two or three days after this, while guarding the retreat of the army, the writer was captured, which ended his career as a Confederate. While in prison we were guarded by the Twentieth Iowa Regiment and every man in the regiment from the colonel down was a gentleman, and treated the old and ragged Confederates with the kindest consideration, which always makes me have a warm place in my heart for anybody that comes from that State.

"ONE OF THE SURVIVORS."

LETTER FROM WILLIAM CATO, SR.

"WHISTLER, ALA., April 11th, 1904.

"Mr. R. C. Beckett,  
"West Point, Miss.

"Having read an article in to-day's *Mobile Register*, stating that any one knowing the date of the death of John Randall, &c. I am not positive as to the date, but I am positive that it was the next day after the surrender of Mobile, as myself, John Randall, and fifteen or twenty men from Co. G, Fifteenth Confederate Cavalry were detailed as a scouting party and attached to Capt. Frank Moore's Scouts. We were attached to the command of Col. Spence of the 16th Ga. (should be 16th Confederate) Cavalry. We had about 250 men. We had two pieces of artillery, and several baggage wagons. We were guarding the retreat from Mobile. We left Mobile as the enemy was coming in, and camped the first night at Eight Mile Creek about seven miles north of Mobile. We staid there until about two o'clock next day, in order to cover the retreat, and give the baggage wagons and artillery an opportunity to get as far ahead as possible. The infantry went by rail up the M. & O.

"A strong force of the enemy came up about two o'clock and we engaged them for a short while. John Randall was mortally wounded, and died, and was buried the same evening by the enemy, about two hundred yards north of Eight Mile Creek bridge. I saw the place where he had been buried a few days afterwards, as I was captured by part of the same command. His body had been removed by his people as they lived near Mobile,—this I was told by the enemy.

"Yours truly,

"WILLIAM CATO, SR.

"Co. G, Fifteenth Confed. Cav."

LETTER FROM GREENE B. MOBLEY.

"EUTAW, ALA., April 23rd, 1904.

"Mr. R. C. Beckett,  
"West Point, Miss.

"DEAR SIR: If you will write Col. Philip B. Spence, late colonel of the 16th Confederate Cavalry, for his article, "The Last Battle," he will send it to you, and you will get the information wanted. His address now is Nashville, Tenn. I was in this regiment, and was wounded on Sunday, March 26th, 1865. At the last fight I was at home suffering from two wounds. The date, as I remember, was April 12th or 13th.

"Wishing you success in your undertaking,

"I am yours, &c.,

"G. B. MOBLEY."



LETTER FROM COLONEL PHILIP B. SPENCE.

"NASHVILLE, June 7th, 1904.

"My Dear Beckett:

"Your letter of May 17th was received several days ago. I have deferred answering hoping that I could find the sketch I wrote many years ago of our command, which was published in the *Louisville Courier-Journal*, and copied in many other papers, but I have been disappointed. I may find a copy in the near future; should I do so will send it to you.

"Why can't you come to the Reunion, June 14th, 15th and 16th? We could then talk the matter over.

"PHILIP B. SPENCE."

NOTICE OF COLONEL SPENCE IN *Confederate Veteran*.

Group of eight survivors of the 16th Confederate Cavalry at the Dallas reunion. Names, F. T. Copp, W. M. Morgan, Anson Rainey, C. L. Wilson, Capt. J. M. Winston, S. C. Buck, color bearer, Capt. Alex. Moore, and Col. P. B. Spence.

Quotation:

"The above group represents a few of the survivors of the 16th Confederate Cavalry Regiment, who met at the recent reunion at Dallas, Tex. The flag is the same which floated over the last line of battle of the great war, and was borne by the same color-bearer in Dallas, in the same tattered and blood-stained uniform which he wore when the regiment surrendered in front of Mobile, having been wounded at the beginning of the siege of that city. He marched in the procession by the side of Gen'l Tyree Bell, and was the proudest soldier in that great procession, and well might he be, carrying the old flag that he loved so dearly, and had borne in triumph and defeat over a regiment to which every member was proud to belong.

"Anson Rainey, who was a private in Company A and wounded in the same campaign is now Chief Justice of the Court of Appeals at Dallas. His hospitality to his old comrades at his Texas home was as boundless and magnificent as his courage was conspicuous on the field of battle.

"Capt. Winston, a gallant soldier, the oldest surviving officer, and possibly the oldest living member of the regiment, appears in the center of the group on the right of his old commander, Col. Spence, and Capt. Alex. Moore, a reliable scout, always giving correct information of the enemy's movement. On the left Morgan, Copp, Wilson, and Buck, the color-bearer, who did their whole duty, and are still proud of the services they gave to the Southern cause."

The foregoing data was written by Col. Spence, except that his name is added. A copy of his brief sketch was sent to Judge Rainey, who wrote: "The picture I think good with one exception. It does not do Spence justice; he is better looking and more attractive. While Spence's innate modesty is commendable he barely alludes to himself and then not by name."

"Concerning Col. Spence's distinguished services, Judge Rainey refers to a sketch in the Southern 'Historical Society Papers,' by Gen'l Dabney H. Maury, about the defense of Mobile, in which he states that 'General Canby occupied nine days in marching twenty miles, with no force in his front except five hundred cavalry under Col. Spence. It is true that Spence handled his men with excellent skill and courage, and no doubt even prayed in a quiet way every night, for he made forty thousand Federals move very circumspectly every day and entrench themselves every night against him. Col. Spence was one of the most efficient and comfortable outpost commanders I ever had to deal with. He always

took what was given him, and made the most out of it. He was devoted, active, brave and modest, and did his whole duty to the very last day of our existence as an army."

LETTER FROM GEORGE HAIRSTON.

Mr. Hairston was one of the same mess with myself. He had a fine gray horse with what we call a glass eye. He thought a great deal of his horse, and had actually taught it to walk logs, so that he could ride across a creek or ravine on a log if it was strong enough to bear their weight. In writing to him I accidentally called it a mare as the letter shows. Here is the letter:

"CRAWFORD, MISS., Feb. 7th, 1904.

"Judge R. C. Beckett,  
"West Point, Miss.

"Dear Beckett:

"Yours of a recent date received all right. I expect that Mr. John B. Davis is correct about John Randall belonging to Col. Maury's regiment. If you will remember, Col. Maury was in command at Mobile when we first went there to do picket duty. I have learned from Mr. John Robertson, of Columbus, a member of Ball's command, that Ball commanded the 8th Alabama Regiment. You know that a Confederate regiment was composed of companies from different States. Mr. Robertson said that his regiment was not at Mobile at the evacuation, and not in the Eight Mile Creek fight. You are mistaken about Bill Baird being with us on our little private raid at Blue Mountain. You, John Turbeville, a poor boy, a private in Morgan's Company C, who was killed at Lafayette, (I have forgotten his name,) and myself were the only members of that expedition. You and Turbeville were confined to company quarters, and Company C and myself were kept under guard, sitting on a log, in the rain near headquarters for several days before we started for LaFayette, Ga. I was with the regiment at Pollard, Canoe Station, Pine Barren, Mobile and Blakely. Do you remember the night you, Bodine and myself called on the ladies in Pollard? The old gray mare that you ask about was a horse, Old Paul Vane. I transferred him to Ball's regiment, where he was owned by Capt. Cole, and became quite a hero, brought Cole and Ball out of the Rome, Georgia, stampede, Ball riding behind Cole. The noble old gray horse had to jump several fences and ditches, but he made the run all right. The last log that he walked was across the River Jordan to a land that is fairer and brighter than this. \* \* \*

"Your friend,

"Geo. HAIRSTON.

NOTE.—The sentences omitted at the end of the above letter contain merely friendly remarks which do not relate to the subject under consideration.

I have a letter also from Mr. W. H. Randall, the brother of John Randall, but he knows nothing except from hearsay, from persons whom he has consulted. From these he says, "I think there can be no question that April 13th, 1865, is the correct date."

DETAILS OF IMPORTANT WORK BY TWO CONFED-  
ERATE TELEGRAPH OPERATORS, CHRISTMAS  
EVE, 1862, WHICH PREVENTED THE  
ALMOST COMPLETE SURPRISE OF  
THE CONFEDERATE ARMY  
AT VICKSBURG.

BY STEPHEN D. LEE.

As is well known now, telegraph operators were at a premium in the Confederacy during the war, 1861-1865, as most of the operators in the South before the war were Northern men, they returned home when the struggle began. Major L. L. Daniel, of Victoria, Texas, now on General Van Zant's staff, U. C. V., and Col. Philip H. Fall, of Houston, Texas, on Gen. S. D. Lee's staff, U. C. V., early enlisted at Vicksburg, one in an artillery company and the other in the Vicksburg Southtons Company. They were soon detailed for telegraph work. The writer has recently come into possession of some interesting minutiae of their work, which played an important part in preventing the almost complete surprise of the Confederate army at Vicksburg in December, 1862; and being personally cognizant of the incident of the breaking up of the dance or ball on Christmas Eve, 1862, at Vicksburg, he feels it is due to the two operators to put on record an account of their valuable service. Such accounts bring out, too, the important part played by the telegraph in war and show that the real scouting duty was performed in many ways. The operators frequently ran great risks and endured many hardships in common with the soldiers in campaign. This incident too gives an insight into the vigilance of both armies in that mighty struggle.

The second campaign organized to capture Vicksburg was ably launched. The Confederate army of General Van Dorn, recently defeated at Corinth, was at Grenada, Miss., about 22,000 strong; while General Grant's Union army, about 30,000 strong, was below Oxford, Miss. General Grant was to attack Van Dorn, and,



if he went to the assistance of Vicksburg, was to follow him towards Vicksburg by way of Jackson or Yazoo City. General Sherman at the same time organized an army of 32,000 men and sixty pieces of artillery, which, with Admiral Porter's Mississippi gunboat fleet and about seventy transports, was to move rapidly down the Mississippi river and attack and capture Vicksburg before the garrison (6,000 strong) could be reinforced. The part General Grant was to play was frustrated by General Forrest, who raided into West Tennessee and tore up the railroads supplying Grant's army, while General Van Dorn with his Confederate cavalry captured Holly Springs with its accumulated supplies, destroying them. This necessitated General Grant's falling back through the country to Memphis to feed his army. As General Sherman was not apprised of General Grant's troubles, he got safely off from Memphis, December 20th, with the greatest combined army and flotilla of gunboats known at that time in the war. He arrived at the mouth of Yazoo river, near Vicksburg, on Christmas day, proceeded up the Yazoo and, disembarking his army December 26th and 27th, 1862, he attempted to reach the bluffs near the city of Vicksburg. There was severe fighting on December 27th and 28th. On the 29th he was defeated at Chickasaw Bayou, six miles from Vicksburg, with a loss of about 2,000 men. He then reëmbarked his army and left the vicinity of Vicksburg.<sup>1</sup>

With this introduction the writer, who was at the dance on Christmas Eve and can vouch for the details, will let Major Daniel and Colonel Fall tell the most interesting details. After the fall of Memphis the river was open to Union gunboats as far down as Vicksburg. As early as October, 1862, a telegraph station was established at DeSoto on the river bank opposite Vicksburg, with Col. Philip H. Fall as operator. It was connected with a station in the woods, eleven miles south of Lake Providence, with Major L. L. Daniel as operator. Daniel was to report the movements of boats on the river. The splendid scouting organization of General Pemberton had informed him and General Smith at Vicksburg of the assembling of boats and the concen-

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<sup>1</sup> A detailed account of the battle of Chickasaw Bayou will be found in the *Publications of the Mississippi Historical Society*, IV., 15-36.

tration of troops at Memphis, but the exact plans of the enemy were not clearly known. The first reliable information on this subject was the telegram from Daniel to Fall, telling of the positive approach of the great army and flotilla.

At my request Daniel and Fall have sent me their recollection of the incident. I will, therefore, let them tell the rest of the story. In a letter of November 28th, 1904, to P. H. Fall, at Houston, Texas, and transmitted to me, L. L. Daniel says:

"Major Earnhearst, after telling me of the danger of a picket out post, asked me to go to Point Lookout, La., eleven miles below Lake Providence and sixty-five miles above Vicksburg, the terminus of the little private telegraph line owned by that rich planter Horace B. Tibbotts, and you [Philip H. Fall] were stationed at the Vicksburg end of it; that is, at DeSoto, just across the river \* \* ; and I was strictly instructed to watch the river day and night and report to you morning and evening. \* \* And it was Christmas Eve about 8.45 P. M., dear old Major E. P. Earnhearst and I were in our 'eerie' playing 'Old sledge,' when a little negro girl, who lived on the place came in and said, 'Marse Ainhart, you and Marse Daniel better come out here, I hears a boat a coming.' 'Come now,' says the Major 'you are dreaming, Arty.' 'No sah! I hears it say, choo, choo, pat, pat, pat.' Thus illustrating the steam escape and pat of the wheels. We went on the porch and listened intently; the sounds which we had not heard for months, were just audible, the little one's acute ears had detected it miles away. Major Earnhearst and I were smoking, Indian fashion, a large meerschaum pipe (owned jointly) \* \* We went to the river bank, about one-eighth of a mile from our watch house, and waited perhaps thirty minutes. We could hear the panting and pat, pat; directly a monster turned the bend, two miles above us, and came slowly as if feeling the way. It was the gunboat. I was ready to send the news to you, [Fall] but no—'hello Major here comes another,' this in a whisper; just then some sparks flew out of the Major's pipe, and I grabbed the pipe, and extinguished the fire, telling him those \* \* \* would fire a volley at the crack of a match. By now, the large black devil was abreast of us, in easy gun shot from our double barrels, but suicide to fire. We counted, counted, counted in all seven gunboats, fifty-nine transports loaded with blue coats.

"It was a dark, cloudy night, cold and drizzly; just as soon as we were satisfied the last one was by, I jumped on my little bay filly and fairly flew to the little telegraph office, three miles back in the woods and began calling you. This was just after midnight. I was so agitated at the prospect of the capture of my dear old home, Vicksburg, before I could give the alarm, that I thought it was almost daybreak when you answered; and I was simply frantic; now the fact is and after I called you but about twenty-seven seconds. You were right there and said: 'Golly, old fellow, what's up?' Then it was for you to get frustrated. \* \* I gave you the fullest information possible in the fewest words possible, and they are indelible in my brain this hour. 'Great God, Phil, where have you been. I have been calling, (I am afraid half an hour instead of half a minute) and the river is lined with boats, almost a hundred have just passed my lookout. Seven gunboats and fifty-nine transports chock full of men. God speed you, rush across and give the alarm.' You said: 'God bless you Lee, bye, bye, we may never meet again.' You can best tell the remainder on your end, for after a short nap, I went again to the little telegraph hut and tried the circuit, but no battery. \* \* And I learned sometime after-

wards that the huge flotilla landed at various points below, viz: Omega, Millikens Bend and Youngs Point and cut down the poles for a mile and chopped the wire into bits.

"Major Earnhearst, bidding farewell to his wife, two little daughters, myself and wife, rode rapidly through the awful muddy swamps to the hills, then to Delphi and wired the news to Gen. Kirby Smith, Gen. John G. Walker and others. History has the incident, but the minutiae interest but ourselves and families and friends. Next morning I was preparing to shoot some ducks near the house, when my wife came to the porch and said: 'Look Lee! quick.' Of course I looked for ducks or geese, but discovered drakes and ganders in some sixty blue-coated cavalry approaching from the North. I learned that two regiments had landed at Lake Providence and picketed the country for miles. This leader, Lt. Thompson of Kansas, jayhawker, halted at gate, called me with army colt six shooter cocked, held menacingly at my anatomy, while interrogating me. Question after question plied and answered promptly. The interview ended by: 'Young fellow, you are truthful, our army is fully posted on every thing for a hundred miles, and you have answered me correctly; one lie would have laid you out; now you are my prisoner, I want your telegraph instruments and all records and your old shot gun with bayonet; and don't you try to escape for death is sure.' \* \* \* Well we were all held prisoners on the plantation from Dec. 26th, 1862, until 29th June, 1863, when Major Earnhearst with two squads of cavalry headed by Gen. Tom Harrison and Col. W. H. Parson came in from the hills, cleaned out the guards, took us to Delphi."

#### Colonel Fall tells the rest:

"Christmas Eve, the night of the ball, was a tempestuous night and I was in dread of my red light being extinguished by the high waves. The Mississippi was very rough; had my light gone out our batteries would have annihilated me, but with what information as I possessed, I would have made the attempt in face of certain death. A half hour after Daniel at Lake Providence gave me the news, it was imparted to Gen. Smith. No courier could have come seventy-five miles in half an hour. I was muddy and woe begone as I passed through the dancers and they gave me a wide berth, when I stopped in front on Gen. Smith, he scanned me critically and frowned with the exclamation, 'Well sir, what do you want?' I told him eighty-one gun boats and transports had passed Lake Providence and were still passing. He turned very pale, and in a loud voice exclaimed! 'This ball is at an end; the enemy are coming down the river, all non-combatants must leave the city.' He had presence of mind enough to thank me and apologize at the harsh tones. In regard to his report, I see no mention as to how he got his information. I suppose he lost sight of me in the excitement following. \* \* I received a letter sometime ago from Mrs. Roach, of Vicksburg, reminding me of how I broke up the ball that never to be forgotten night."

The details, as given above by the two participants, are essentially correct. My recollection is distinct as to this ball and its sudden collapse soon after midnight, December 24th, by the arrival of the bearer of the important information. The writer on Christmas day moved out of Vicksburg with six regiments of infantry and two batteries to check General Sherman in his landing



on the Yazoo river, between the city of Vicksburg and Snyder's Bluff on the Yazoo river, thirteen miles distant. On December 29th was fought the decisive battle of Chickasaw Bayou, which compelled General Sherman to turn back his army and abandon the attack on the city. The movement on Christmas day was the result of the telegram sent by Daniel near Lake Providence and received by Fall at DeSoto, La., and delivered to General Smith at the ball in the city of Vicksburg.



## THE HAMPTON ROADS CONFERENCE.

BY FRANK JOHNSTON.<sup>1</sup>

### I. A HISTORY OF THE CONFERENCE.

There has been a great deal of controversy in the South in respect to the basis proposed, or suggested, by Mr. Lincoln at the Hampton Roads Conference for the restoration of the Union, or as Mr. Lincoln expressed it, "a restoration of the States to their practical relations to the Union." It has been denied by one class of controversialists that any terms, or conditions, were offered by Mr. Lincoln at that celebrated Conference, except the unconditional submission of the Southern people to the will of the conquerors. Upon the other hand, it is contended that Mr. Lincoln gave assurances to the Confederate Commissioners for a basis of restoration and pacification, which, as a matter of wise and conservative statesmanship, should have been accepted by the Richmond Government. In this controversy is involved the question of the power, or authority, of the Confederate Government to place the States of the Confederacy back in the Union. This, however, will be seen on close inspection, to be an academic rather than a practical consideration.

It is insisted also as a part of this controversy, that in fact the Confederate Commissioners were not authorized to treat, or confer, with Mr. Lincoln upon the basis of any assurances from the Richmond Government of any ultimate restoration of the Union. It has been insistently denied that there was any offer whatever of compensation for the slaves made by Mr. Lincoln at that Conference. This and the question of unconditional submission seem to be the principal points of the controversy.

With this preliminary statement of the controversial points involved in the discussion of the Hampton Roads Conference, a review will be made of the facts attending that celebrated historical event, in order that a correct conclusion may be reached in

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<sup>1</sup> A biographical sketch of the writer of this article will be found in the *Publications of the Mississippi Historical Society*, VI., 65-7.—EDITOR.



respect to its origin, and purpose, and what took place in the conference between Mr. Lincoln and Mr. Seward, his Secretary of State, and the Commissioners appointed by Mr. Davis on the part of the Confederate Government.

Early in January, 1865, when everything in the way of military movements around Richmond was comparatively quiet, Hon. Francis P. Blair, Sr., who was well acquainted with Mr. Davis, appeared in Richmond, under a passport from Mr. Lincoln, on what proved to be a private peace mission of his own. He had a long and confidential interview with Mr. Davis. In a few days he made a second visit to the Confederate Capital, and had a second interview with the President of the Confederacy.

Mr. Blair was one of the master spirits of the war on the Federal side, and stood in very close relations to Mr. Lincoln, both personally and politically. He conceived the idea of having a conference upon his own personal and individual responsibility with Mr. Davis, with the object of bringing about negotiations between Mr. Lincoln and Mr. Davis in the hope of ending the war. Mr. Lincoln gave him a passport, and he came into the Confederate lines, and was conducted by the Confederate authorities to Richmond.

The substance of the interview with Mr. Davis is given elaborately in a written statement of Mr. Blair which is now in the public archives at Washington. The substance of this interview is also given by Mr. Alexander H. Stephens in his *War Between the States*, as told to him by Mr. Davis immediately after Mr. Blair's visit to Richmond.

Nothing connected with the Hampton Roads Conference more clearly appears than the fact that Mr. Blair acted entirely upon his own responsibility and without any authority whatever to speak for Mr. Lincoln, or to bind Mr. Lincoln in the slightest particular. This fact is of significance, for the reason that Mr. Davis seems to have had the impression that Mr. Blair in some measure spoke with authority from Mr. Lincoln, for he afterwards said to Mr. Stephens that he thought Mr. Lincoln had acted in bad faith. Taking into consideration everything that transpired it appears that Mr. Lincoln never intended at any time to recognize the independence of the Confederacy, but was willing

to have an informal conference for an exchange of views in the hope of securing peace to the country.

Mr. Lincoln assured the Commissioners in the Conference that he not only gave Mr. Blair no authority to speak for him, but that he had declined to hear what he proposed to submit to Mr. Davis.

The scheme that Mr. Blair proposed to the President of the Confederacy was an armistice to be arranged by a secret military convention between the two Governments, the United States and the Southern Confederacy, and then for Mr. Davis to enforce the Monroe Doctrine by marching the Confederate armies into Mexico and expelling the Emperor Maximilian. This being accomplished, Mexico could be annexed as a new Southern State under the auspices of this military achievement of Mr. Davis and then, in the opinion of Mr. Blair, the people of the North and the people of the South would ultimately secure some basis for the settlement of their own troubles.

Mr. Blair said, if it became necessary, that thousands of Union soldiers would volunteer for the Mexican invasion, and his brother, who was a corps commander in the Union army, would join the expedition to Mexico.

The idea presented to Mr. Davis was that by this course he would regain the esteem and regard of the Northern people, and upon the patriotic achievement of adding Mexico to the Union as a Southern State, he could bring the South back to the Union without any impairment of its prestige or dignity.

Mr. Blair said that he had originally intended to write to Mr. Davis, and had prepared the draft of a letter embodying the views that he proposed to submit for his consideration, and this he read to Mr. Davis. That document is published in full in the *Life of Lincoln*, by Nicolay and Hay. It is elaborate and goes into the glittering details of the brilliant but erratic policy of extension proposed by him, and urged by him upon Mr. Davis. Mr. Davis then prepared a condensed written statement of the considerations submitted to him, which was approved by Mr. Blair. In this document speaking of Mr. Blair's views the following passage occurs:

"For himself [Mr. Blair] he avowed an earnest desire to stop the further effusion of blood, as one every drop of whose blood was Southern. He expressed the hope that the pride, the power, and the honor of the South-

ern States should suffer no shock; looked to the extension of Southern territory even to the Isthmus of Darien, and hoped if his views found favor, that his wishes would be realized."

Mr. Davis evidently looked with favor upon Mr. Blair's scheme, for the document alluded to concludes with the following passage:

"Our conference ended with no other result than an agreement that he would learn whether Mr. Lincoln would adopt his (Mr. Blair's) project, and send or receive commissioners to negotiate for a peaceful solution of the questions at issue; that he would report to him my readiness to enter upon negotiations, and that I knew of no insurmountable obstacle to such a treaty of peace as would secure greater advantages to both parties than any result which arms could achieve."

Mr. Blair assured Mr. Davis that the cause of the Southern Confederacy was hopeless.

Mr. Davis gave Mr. Blair a letter in which he stated his willingness to have a peace conference "with a view to secure peace to the two countries."

Mr. Lincoln, when informed of Mr. Davis' willingness to appoint commissioners for a conference, addressed the following note to Mr. Blair:

"F. P. Blair, Esq.

Sir: You having shown me Mr. Davis' letter to you of the 12th instant, you may say to him that I have constantly been, am now, and shall continue ready to receive any person now resisting the national authority he may informally send to me with the view of securing peace to the people of our one common country."

Mr. Blair then returned to Richmond and gave this letter to Mr. Davis. Mr. Blair said that the proposed negotiations in his judgment could be conducted more effectively by General Lee and General Grant. To this Mr. Davis replied that he was willing on his part to trust the negotiations to General Lee. The idea of a Military Convention was not favorably received at Washington, and, accordingly Mr. Davis named as the three Commissioners for the conference, Hon. Alexander H. Stephens, of Georgia, Vice-President of the Confederacy; Hon. J. A. Campbell, Assistant Secretary of War, and Hon. R. M. T. Hunter, one of the Confederate Senators from Virginia.

Mr. Davis' note of instructions to the Confederate Commissioners is as follows:



"In conformity with the letter of Mr. Lincoln, of which the foregoing is a copy, you are to proceed to Washington city for an informal conference with him upon the issues involved in the existing war and for the purpose of securing peace to the countries.

"With great respect your obedient servant,  
"Jefferson Davis."

The difference in the language of the two notes will be observed, one being to secure peace to "our one common country" the other to secure peace "to the two countries."

Mr. Lincoln, accompanied by Mr. Seward, his Secretary of State, met these Commissioners on board the steamer *River Queen* at Hampton Roads.

Mr. Stephens' account of what transpired is the testimony of an actor in this celebrated historical event, an event that made a marked and important impress upon the fortunes of the Southern people.

That Mr. Davis was greatly impressed by Mr. Blair's Mexican project is shown by the concluding paragraph of his Memorandum of the interview between himself and Mr. Blair, and this indicates that he expected that the proposed conference would proceed upon the lines indicated by the latter, though Mr. Blair assured him that Mr. Lincoln gave him no authority, and had declined to allow him to state what he intended to say in his proposed interview with Mr. Davis. Mr. Stephens says in his *War Between the States* that Mr. Davis told him that Mr. Blair proposed an armistice for the purpose of enforcing the Monroe Doctrine by the expulsion of the Emperor Maximilian. Mr. Stephens, however, does not say that Mr. Davis disclosed the ultimate scheme of bringing Mexico into the Union as a new Southern State.

The Confederate Commissioners went to the Conference clothed only with the power of proposing a treaty between "the two countries," and they went there impressed with the idea that this enforcement of the Monroe Doctrine in Mexico was to be the line upon which such a treaty was to be negotiated. On the other hand, Mr. Lincoln came to the conference with the purpose of treating with the Commissioners on the exclusive basis of a restoration of the Union.

Mr. Stephens says in his *War Between the States*, that he opened the conference by asking Mr. Lincoln if there was no way of putting an end to the present trouble and bringing about a

restoration of the general good feeling and harmony between the different States and sections of the country? He says further:

"Mr. Lincoln in reply said, in substance, that there was but one that he knew of, and that was for those who were resisting the laws of the Union to cease that resistance. All the trouble came from an armed resistance against the national authority."

Mr. Stephens then said:

"Is there no other question that might divert the attention of both parties for a time from the questions involved in their present strife, until the passions on both sides might cool, when they would be in a better temper to come to an amicable and proper adjustment of those points of difference out of which the present lamentable collision of arms has arisen? Is there no continental question which might thus temporarily engage their attention? We have been induced to believe that there is.

"Mr. Lincoln seemed to understand my allusion instantly, and said in substance: I suppose you refer to something that Mr. Blair has said. Now it is proper to state at the beginning that whatever he said was of his own accord, and without the least authority from me. When he applied for a passport to go to Richmond, with certain ideas which he wished to make known to me, I told him flatly that I did not want to hear them. If he desired to go to Richmond of his own accord, I would give him a passport; but he had no authority to speak for me in any way whatever. When he returned and brought me Mr. Davis' letter, I gave him the letter to which you alluded in your application for leave to cross the lines. I was always willing to hear propositions for peace on the conditions of this letter and on no other. The restoration of the Union is a *sine qua non* with me, and hence my instructions that no conference was to be held except upon that basis."

Mr. Stephens at the Conference, went into an elaborate presentation of the Monroe Doctrine in relation to Maximilian's occupation of Mexico, and he urged the view upon Mr. Lincoln that after the expulsion of Maximilian and the enforcement of the Monroe Doctrine, in which the Northern people believed, that there would then be a restoration of good feeling to the people of the North and the people of the South that would "lead to a peaceful and harmonious solution of their own difficulties." Mr. Stephens suggested that in the meantime there could be a suspension of hostilities.

"Mr. Lincoln replied with considerable earnestness that he could entertain no proposition for ceasing active military operations which was not based upon a pledge first given for the ultimate restoration of the Union. He had considered the question of an armistice fully, and he could not give his consent to any proposition of that sort, on the basis suggested. The settlement of our existing difficulties was a question now of supreme importance, and the only basis on which he would entertain a proposition for a settlement was the recognition and re-establishment of the national authority throughout the land."

Mr. Lincoln said further that:

"He could not entertain a proposition for an armistice on any terms while the great and vital question of re-union was undisposed of. That was the first question to be settled. He could enter into no treaty, convention or stipulation or agreement with the Confederate States, jointly or separately, upon that or any other subject, but upon the basis first settled that the Union was to be restored. Any such agreement, or stipulation, would be a *quasi* recognition of the States then in arms against the national government as a separate power. That he never could do."

Mr. Stephens says that this put an end to the Conference on the subject contemplated by their mission, as they had no authority to give such a pledge, if they had been inclined to do so.

Mr. Stephens says that the Commissioners had agreed, if they failed to secure an armistice, to endeavor to ascertain on what terms the administration at Washington would be willing to end the war. Judge Campbell then asked how a restoration of the union was to be effected, in the event that the Confederate States consented to a re-union.

Mr. Lincoln replied:

"By disbanding their armies and permitting the national authorities to resume their functions."

Mr. Lincoln said that there was one condition that he would make and that was, he would not revoke the Emancipation Proclamations, but would leave them to the decision of the Courts.

During the colloquy Mr. Hunter declared that without any treaty or agreement the terms proposed amounted to "nothing but unconditional submission."

"Mr. Seward promptly replied by insisting that no words like unconditional submission had been used, or any imposing, or justly implying degradation or humiliation even, to the people of the Confederate States. He wished this to be borne in mind."

"Mr. Hunter repeated his view of the subject. What else could be made of it? No treaty, no stipulation, no agreement, either with the Confederate States jointly, or with them separately, as to their future position or security. What was this but unconditional submission to the mercy of conquerors?"

"Mr. Seward said they were not conquerors further than they required obedience to the laws. The force used was simply to maintain national authority in the execution of laws. Nor did he think that in yielding to the execution of the laws under the Constitution of the United States, with all its guarantees and securities for personal and political rights, as they might be declared to be by the courts, could be properly considered as unconditional submission to conquerors, or as having anything humiliating in it. The Southern people and the Southern States would be under the constitution of the United States, with all their rights secured



thereby, in the same way, and through the same instrumentalities, as the similar rights of the people of the other States were."

"Mr. Hunter said: But you make no agreement that these rights will be so held and secured."

"Mr. Lincoln said that so far as the confiscation acts and other penal acts were concerned their enforcement was left entirely to him, and on that point he was perfectly willing to be full and explicit, and on his assurance perfect reliance could be placed. He should exercise the power of execution with the utmost liberality."

Mr. Seward then said that Congress would be liberal in making restitution for all property that had been confiscated.

Mr. Stephens asked Mr. Lincoln if the Southern States would be admitted to representation in Congress.

"Mr. Lincoln promptly replied that his own individual opinion was that they ought to be. He also thought that they would be; but he could not enter into any stipulation on the subject. His own opinion was that when the resistance ceased and the national authority was recognized, the States would be immediately restored to their practical relations to the Union."

These are the material and substantial facts in respect to what occurred at the Conference in respect to the terms and conditions upon which a restoration of the union was to be effected, as illustrative of the so-called unconditional submission by the Southern people to the will of the conquerors.

In respect to the controversial point of compensation for the slaves, Mr. Stephens has given a full statement of the facts. He has given substantially all that was said in the Conference on this subject. It was introduced by Mr. Lincoln himself in reply to a remark by Mr. Hunter, that no assurances were given that the rights of the Southern men would be accorded them. After having given the most positive assurances that the confiscation and other penal acts of Congress gave him full and plenary power in their execution, and that he would exercise this power "with the utmost liberality." Mr. Lincoln then said:

"That he would be willing to be taxed to remunerate the Southern people for their slaves. He believed the people of the North were as responsible for slavery as the people of the South, and if the war should then cease, with the voluntary abolition of slavery by the States, he should be in favor, individually, of the government paying a fair indemnity for the loss to the owners. He said he believed that this feeling had an extensive existence at the North. He knew some who were in favor of an appropriation as high as four hundred millions of dollars for this purpose. I could mention persons, said he, whose names would astonish you, who are willing to do this, if the war shall now cease without further expense, and with abolition of slavery as stated. But on this subject he said he

could give no assurance—enter into no stipulation. He barely expressed his own feelings and views, and what he believed to be the views of others upon the subject.”

Mr. Seward, at this point, said :

“The Northern people were weary of the war. They desired peace and a restoration of harmony, and he believed would be willing to pay as an indemnity for the slaves what would be required to continue the war, but stated no amount.”

Mr. Lincoln then explained that the operation of his Emancipation Proclamation was for the courts to determine. He added :

“His own opinion was that as the proclamation was a *war measure*, and would have effect only from its being an exercise of the war power, as soon as the war ceased, it would be inoperative for the future. It would be held to apply only to such slaves as had come under its operation while it was in active exercise.”

“Mr. Seward also said it might be proper to state to us, that Congress, a day or two before, had proposed a Constitutional Amendment for the immediate abolishment of slavery throughout the United States, which he produced and read to us from a newspaper.”

Mr. Lincoln said that it was necessary for three-fourths of the votes of all the States, the whole thirty-six, which included the Southern States, to ratify a constitutional amendment. And the inference was plain, says Mr. Stephens, that if the Confederate States would then abandon the war they could vote on that amendment.

Mr. Lincoln conceded the evils of an immediate emancipation of the slaves. He said :

“That he had always himself been in favor of emancipation but not immediate emancipation, even by the States. Many evils attending this appeared to him.”

Mr. Stephens says that after pausing for some time in deep reflection while all were silent, Mr. Lincoln arose, and “used these words, almost, if not quite identical” :

“Stephens, if I were in Georgia, and entertained the sentiments I do—though, I suppose, I should not be permitted to stay there long with them: but if I resided in Georgia, with my present sentiments, I will tell you what I would do if I were in your place: I would go home and get the Governor of the State to call the Legislature together, and get them to recall all of the State troops from the war; elect Senators and Members of Congress, and ratify this Constitutional Amendment *prospectively*, so as to take effect—say in five years. I have looked into the subject and think such a prospective ratification would be valid. Whatever may be the views of your people before the war they must be convinced now that slavery

is doomed. It cannot last long in any event, and the best course, it seems to me, for your public men to pursue would be to adopt a policy as will avoid as far as possible the evils of immediate emancipation. This would be my course if I were in your place."

It does not appear that anything was said by any one of the three Confederate Commissioners in respect to emancipation, or on the subject of compensation for the slaves by the Federal Government.

Mr. Stephens states also, in his account of this Conference, that although he and his colleagues were to negotiate for an armistice between the two Governments, they had agreed before they went into the Conference, not to enter into any stipulations for the invasion of Mexico by the Confederate armies.

Thus the Conference ended, the Commissioners standing on Mr. Davis' *sine qua non* of independence for the Confederacy, and Mr. Lincoln standing for nothing short of the restoration of the Union.

Mr. Stephens states that the Commissioners reported to Mr. Davis verbally in detail and minutely all that took place at the Conference. To this account of what transpired at the Conference, Mr. Stephens devotes more than thirty pages of his *War Between the States*, giving in substance all that occurred at the Conference, and the subsequent events connected with it. He makes no comments or criticism whatever. Of this narrative of the facts and upon this point, he says:

"This is as full and accurate an account as I can give of the origin, the objects and conduct of this conference from its beginning to its end. In giving it, as stated before, I have not undertaken to do more than to present substantially what verbally passed between all of the parties therein concerned."

The Commissioners afterwards, at Mr. Davis' request, made a brief written report of the Conference, stating that Mr. Lincoln would make no treaty with the Confederate States as that would be a recognition of the Confederacy as a separate power, nor would he make a treaty with any State separately. It stated that Mr. Lincoln had said that he would use his power liberally of remitting pains and penalties under the acts of Congress. The report stated that Mr. Lincoln said:

"That whatever consequence may follow from the reestablishment of that authority must be accepted."



Nothing is said in the written Report of the suggestions of Mr. Lincoln and Mr. Seward in respect to compensation for the slaves, or their assurances that it required the votes of three-fourths of all the thirty-six States to ratify the amendment, or of their assurances that in coming back to the Union the Southern men would have the Federal Constitution and the Courts for the protection of their rights.

Mr. Davis in a brief special message informed the Confederate Congress that the Conference had failed. The full text of the message is as follows:

"To the Senate and House of Representatives of the Confederate Congress of America:

"Having recently received a written notification which satisfied me that the President of the United States was disposed to confer informally with unofficial agents which might be sent by me with a view to the restoration of peace, I appointed Hon. A. H. Stephens, the Hon. R. M. T. Hunter, and Hon. John A. Campbell to proceed through our lines and hold a conference with Mr. Lincoln, or any one he might depute to represent him.

"The enemy refused to enter into negotiations with the Confederate States, or any of them separately, or to give our people any other terms or guaranties than those which the Congress may grant, or permit us to have peace on any other basis than our unconditional submission to their will coupled with the acceptance of their recent legislation on the subject of the relations between the white and black populations of each State. Such is as I understand it the effect of the amendment to the Constitution which has been adopted by the Congress of the United States."

This message contains no allusion to the subject of compensation for the slaves, or to any of the matters discussed between Mr. Lincoln and Mr. Seward and the Confederate Commissioners. Thus ended this ineffectual effort to secure peace to the country.

In all of my researches I have found nothing by any writer to indicate that Mr. Stephens' account of the Conference has been contradicted or questioned in any manner. I have taken it therefore, as authentic.

Two days after the Hampton Roads Conference Mr. Lincoln prepared the draft of a message to Congress, asking an appropriation of \$400,000,000 of bonds for compensation for the slaves in the Southern States. On the advice of his cabinet that Congress would not then pass such a measure the proposed message was abandoned.

Congress passed resolutions thanking Mr. Lincoln for his efforts to secure peace at the Hampton Roads Conference.

## II. THE CONDITION OF THE SOUTHERN CONFEDERACY.

The condition of the Confederacy at the time of the Hampton Roads Conference was hopeless.

Atlanta had fallen, and General Sherman had marched, without resistance, to the sea. He had already left Savannah and was moving through the Carolinas on his way to join General Grant in Virginia. Hood's disastrous Tennessee campaign had just been closed. Gettysburg had been fought, and the Pennsylvania campaign had failed. New Orleans, Vicksburg and Port Hudson had been captured, and the Confederacy had been cut in two. General Grant, with an army of more than one hundred thousand men, had General Lee's army of barely thirty-five thousand upon a hopeless defensive in Petersburg. Sherman had pierced the heart of the Confederacy. General Joseph E. Johnston was facing General Sherman's army of over sixty thousand troops with about thirty-five thousand men, mainly the remnants of the Army of Tennessee. Wilmington, the last open port of the Confederacy, had been closed upon the fall of Fort Fisher, and the South was cut off from the rest of the world.

General Lee had said there was no hope of holding Richmond, and proposed taking a line of defence on the Staunton river, in which he was overruled. As Colonel Long says in his life of General Lee, "It was decided that the Confederacy should live or die at Richmond."

Mr. Stephens says, in his *War Between the States*, that the combined armies of the Confederacy did not number at that time more than one hundred and fifty thousand effective troops, while the Federal Government then had more than one million of men in the field.

The counsels at Richmond were divided. Mr. Davis says in his *Rise and Fall of the Confederate Government* that there was a "peace cabal" at Richmond endeavoring to undermine the authority of the executive. There was a great popular demand that General Lee should be placed in command of all the Confederate armies, which was tardily done about the time of the Hampton Roads Conference.

The affairs of the Confederacy were so desperate that the conscription acts had been extended so as to include boys over seventeen, and men under fifty years of age. Conscription and im-

pressments, and the suspension of the writ of *habeas corpus*, had dispirited the people.

The financial system of the Confederacy had broken down, and in 1863 a tithe of the agricultural products of the country was the expedient resorted to by Congress. This measure seemed necessary, but it created great dissatisfaction among the farmers. Later came the impressments. The credit of the Richmond Government was gone. Confederate money was worth only two cents on the dollar. The army had not been paid in this *fiat* money for more than a year. The question of maintaining the army became more difficult every day. The Commissary department had practically broken down. The farmers were called upon at one time by General Lee to feed his army. The Confederate soldiers lacked blankets, shoes and clothing. Transportation became more difficult. There had been bread riots in Atlanta, Mobile, Richmond and other places.

The great bread riot in Richmond, suppressed by the military, in which the mob virtually held the town for several days, disturbed the Richmond Government, and the public reports of it were suppressed for fear of its bad effects abroad.

The impressment system adopted by the Confederate Congress was oppressive and disastrous. It called forth protests from many quarters. The North Carolina Legislature had protested against the impressment acts. Governor Vance, in transmitting the resolutions of the North Carolina Legislature to the Richmond Government, speaking of the impressing agents, said, they did not leave citizens enough to live on, and, "this crying evil and injustice should be corrected without delay." Governor Watts, of Alabama, a strong supporter of Mr. Davis, said in a letter: "The practical operation of the impressment system has been disastrous."

Governor John Milton, of Florida, another supporter of the Confederate President, complained of the "lawless and wicked conduct of government agents," and forwarded a letter to Richmond from a minister which stated that milch cows and calves and all of their corn were taken from the families of soldiers who had been killed in the battle of Chattanooga. Complaints of the law came from many quarters. A committee of the South Carolina Legislature reported that the execution of the law was at-



tended by "serious grievances." Hon. Herschel V. Johnson, in a letter to the Confederate Secretary of the Treasury, said that the operation of the impressment laws was unequal and unjust. The system was condemned by the Vice-President of the Confederacy, who said, among other things, that it greatly lessened production itself. The grand jury at Richmond had sent a remonstrance to the Richmond Government against the sweeping impressments of crops, horses and other property. The Supreme Court of Georgia had pronounced the impressment act of the Confederate Congress to be "unconstitutional and void."

Professor James Ford Rhodes, in his *History of the United States*, a recent work of high merit, says: "The outcry against the operation of this law was bitter, widely extended and prolonged."

The conscription laws produced great discontent, and this compulsory service was the prolific cause of desertions. After Vicksburg and Gettysburg desertions steadily and rapidly increased.

Mr. Stephens says that at the time of the first conscript act which passed April 16th, 1862, there were nearly four hundred thousand men then voluntarily enlisted in the Confederate armies, and that there was no necessity for conscription as a means of raising troops.

Speaking of the willingness of the Southern men to volunteer at that time, Mr. Stephens says, in his *War Between the States*:

"Upon every call for troops under the regular constitutional militia system, the call had been responded to by the tender of more volunteers on *these terms* [for three years, or the war] than the number asked for. Georgia alone had upwards of fifty regiments, besides several battalions then in the field at Richmond, or elsewhere, so enlisted. In the last call before this act was passed, four more regiments tendered their services on these terms than were called for from the State. They were not received by the War Department upon the ground that their services were not needed. This was not more than two months before the passage of that act. The other States were in no degree behind Georgia in readiness to respond with a tender of troops under voluntary service upon the same terms in proportion to population."

Mr. Stephens regarded the conscript law to be unconstitutional though a different view was entertained by Mr. Davis and his cabinet.

The Federal conscript act of March 3rd, 1863, was held to be unconstitutional by the Supreme Court of Pennsylvania, in an able opinion by Justice George W. Woodward. Mr. Stephens' view

of the constitutional question was that the troops could only be recruited under the militia laws of the several States. That, together with heavy bounties, was the method subsequently employed by the Federal Government for recruiting its armies.

Mr. Stephens says that the conscript law was passed for the military policy of changing the mode of officering the army, and makes the following observations on the effect of the conscript laws:

"Of this military view of the subject is not my purpose now to speak. A vast deal might be said on both sides. All I mean now to say is that in my judgment it plainly violated not only the spirit but the letter of the Constitution: and moreover, had a pernicious effect upon the public mind. The great mass of our people were perfectly willing to fight for their liberties, but they were unwilling to be placed in a position where it seemed they were required to do it by compulsion.

"Moreover, if compulsion had been necessary at that time, or at any time, to fill our armies, the war ought to have been abandoned upon the disclosure of the fact; for no people are worthy of liberty, or capable of preserving it, who have been compelled to fight, either for its establishment, or its defence."

The conscripts did not make efficient soldiers and the glory of the Southern armies was achieved and maintained to the end by the volunteer soldiers of the Confederacy. Under the combined influences of this act, the widespread belief in the hopelessness of the cause, the want of pay, clothing and food for the troops, desertions were common, and were increasing every day. General Pillow reported that there were between 8,000 and 10,000 deserters in the mountains of Alabama alone, who had banded together and were resisting arrest.

Mr. Davis' proclamation offering amnesty to all deserters from the Confederate armies was not as potent an argument as Gettysburg, and Vicksburg, and Atlanta. The desertions went on by the hundreds. It was estimated that there were over 100,000 deserters scattered over the Confederacy.

There was at that time, according to all of the authentic sources of information on the subject, an extensive demoralization among the people. The measure adopted by Congress to enlist the slaves in the Confederate armies was equivalent to a confession that the cause had failed.

It was plain to those whose judgment was unimpaired by their enthusiasm and their hopes that the resources of the South were

exhausted and that the Confederacy was then, to use Mr. Stephens' expression, "*in extremis*, almost in *articulo mortis*."

Judge J. A. Campbell, the Confederate Assistant Secretary of war, in an official report, said that the physical resources of the Confederacy were exhausted and that the Southern people in large numbers despaired of success. Senator R. M. Hunter changed his views after the Hampton Roads Conference, and believing "further resistance hopeless," advised Mr. Davis to seek some accommodation with the Federal authorities. He expressed the assurance that the Confederate Senate could be induced to move in that direction by a resolution requesting Mr. Davis to reopen negotiations for peace.

General Lee advised Mr. Hunter to offer such a resolution in the Senate, and produced the impression on the latter that his belief was that the South had then no chance of success. Mr. Hunter urged him if that was his belief to tell it to Mr. Davis.

Mr. Bocock, Speaker of the Confederate House of Representatives, wrote Mr. Davis a confidential letter, in which he said that there was a rapid change taking place in the public sentiment of the country, "not only in other States, but here in our loved and honored Virginia." Mr. Bocock also said in a letter to Mr. Davis that if a resolution, which was not likely to be presented, "declaring the country wants confidence in the Cabinet as an administration, should actually be offered in the House it would obtain a three-quarters vote."

Two peace resolutions had been introduced in the Confederate House of Representatives.

The entire Virginia delegation in Congress expressed the opinion that the President should reorganize his Cabinet by relieving all the heads of departments.

Howell Cobb wrote to Mr. Sedden, the Confederate Secretary of War, that:

"Gloom and despondency rule the hour, and bitter opposition to the administration mingled with disaffection, and disloyalty, is manifesting itself."

A letter of Governor Vance, of North Carolina, to Governor Brown, of Georgia, shows that in those States discontent was moving men to organized opposition to the Government.

Judge Campbell wrote a letter to Senator Graham, one of the



Confederate Senators from North Carolina, urging the reopening of peace negotiations, saying that with reunion assured, there were still many things to negotiate about. This letter and the report of the Hampton Roads Conference were considered by a number of Confederate Senators and Representatives, the result of which was that a committee, consisting of Senator Graham, Senator Hunter, and Senator Orr, was sent to Mr. Davis to urge him to reopen negotiations for peace upon the basis of a restoration of the Union. At that time there were a large number of prominent men in the South who regarded the Southern cause as hopeless, and who openly favored peace on the basis of reunion. Among them were Senator Caperton and eight representatives from Virginia; Senator Graham and Senator Dortch with four representatives from North Carolina, also Governor Vance of North Carolina; Senator Orr and Representative Boyce, of South Carolina; Senator Herschel V. Johnson, and Senator Benjamin H. Hill, and seven representatives from Georgia, and Governor Brown of Georgia; Senator Walker and Senator Jami-son, and three representatives from Alabama; and there was Senator J. W. C. Watson and three representatives from Mississippi.

Mr. Davis stood in a position of great power in respect to the legislation and policies of the Confederacy. He largely influenced legislation, and though there was a party in Congress that did not approve his policies, yet opposition to the Confederate President was made at that time to wear so much the air of obstruction, if not disloyalty to the Confederate cause that no organized opposition manifested itself.

With this review of the condition of the fortunes of the Southern Confederacy existing at the time of the Hampton Roads Conference, the value and significance of what actually transpired on that occasion will be considered.

### III. COMMENTS ON THE CONFERENCE.

The most important consideration involved in a study of the Hampton Roads Conference arises upon the attitude occupied by the Confederate and Federal authorities, respectively, in respect to the basis for peace. The former stood for the recognition, and independence, of the Southern Confederacy, unconditionally, while the latter stood uncompromisingly for the restoration of

the Union. The note of instructions to the Confederate Commissioners contemplated, as the exclusive basis for peace, the independence of the South, while Mr. Lincoln's letter to Mr. Blair was limited, exclusively, to the restoration of peace on the basis of re-union.

The result of the conference, according to the interpretation placed upon it by the Confederate Administration was that of unconditional submission to the rule of the conquerors. Upon the other hand, Mr. Lincoln and Mr. Seward regarded it in an altogether different light, and as the return of the Southern people to the Union, under the protection and guarantees of the Federal Constitution.

So far as the extinction of the Southern Confederacy was concerned, which would have followed *ipso facto* the surrender of the Confederate armies without any treaty stipulations between the two Governments, there would have been an unconditional surrender of the Confederate authorities. In a broader view the restoration of the Union would not have been the unconditional submission of the Southern people to the will of their conquerors.

Upon the theory of secession the States of the Confederacy had exercised the constitutional right to withdraw from the Union, and the right to establish an independent government, and the Southern Confederacy, from this point of view, was both a *de facto* and a *de jure* government. The two governments, the United States and the Southern Confederacy, according to that view, stood as two independent sovereignties, and instead of being, from the Union theory, a civil war that was then in progress it was a war between two separate nations. This placed the United States in the attitude of waging a war of conquest and annexation against the Southern Confederacy. Upon this theory the surrender of the armies of the Confederacy without any treaty stipulations or assurances for the protection of the Southern people would have been unconditional submission to the will and the power of the conqueror.

Mr. Davis, and his school of political thought, entertained with entire confidence and sincere the belief of the constitutional right of a State to secede or withdraw from the Union. Mr. Stephens, the Vice President of the Confederacy, entertained this

view, and it prevailed, at the time of secession, almost universally among the Democrats of the South.

On the other hand Mr. Lincoln believed that no State had the constitutional right to secede from or leave the Union, and that the Union was fundamentally, and constitutionally, indissoluble. This involved, necessarily, the right and the authority of the Federal Government to maintain and restore the Union by force of arms. The war, therefore, on the part of the North was not one of conquest, but one for the preservation or restoration of the Union. Upon this theory the seceding States were never out of the Union, and the Southern people were in an insurrection against the Federal Government.

From the secession point of view that the Southern States were out of the Union by constitutional right, and had formed an independent government, the defeat of the Confederacy meant a conquest of the South by the North, and the South then would have occupied the status of a conquered territory or province, and the Southern people would not have been within the protection of the Federal Constitution.

From the Union point of view, as held by all of the republican leaders, with the single exception of Mr. Thaddeus Stevens, when the Southern armies surrendered and armed opposition to the Federal authority had ceased, the Southern States were to be restored to their practical relations to the Union which had been broken or interrupted by the war, and thus the Southern people, in respect to their personal and political rights, would be entitled to the protection of the Federal Constitution, to be enforced through the instrumentalities of the different departments of the Federal Government in the same manner as the similar rights of the Northern people were guaranteed and secured.

If peace, therefore, had been made at Hampton Roads the people of the Southern States would have returned to the Union with precisely the same status that had been occupied by them before the war, with the single exception of the fact that Mr. Lincoln had issued the Emancipation Proclamations. I say the *fact* of the issuance of the Emancipation Proclamations for the reason that according to Mr. Lincoln's own view of the operation of those proclamations, slavery had not been legally or constitu-



tionally abolished in the Southern States then held by the Confederate authorities.

Upon the views and assurances of both Mr. Lincoln and Mr. Seward the Southern States by returning to the Union would have had the right to vote upon the adoption of the Thirteenth Amendment, and determine the question of the constitutional emancipation of the slaves.

Upon these considerations it will be seen that it was difficult for the Southern men in authority, who believed in the doctrine of secession, to perceive how the rights of the Southern people were to be secured or protected by a submission to Federal authority without specific treaty stipulations, or assurances. They believed the Federal Constitution to be a compact, or partnership, dissoluble at the will of the States, and they believed that they were out of the Union by constitutional right, and that being thus outside of the protection of the Federal Constitution they needed specific stipulations for their protection.

From this point of view Mr. Hunter at the Conference coined the phrase "unconditional submission to the mercy of conquerors," which Mr. Seward so promptly disclaimed.

The fact that Mr. Lincoln went in person to confer with the Southern commissioners in respect to making peace was the highest expression of friendly sentiments for the Southern people that it was possible for him to have given. It was, at the same time, an implied recognition of the valor of the Confederate armies and of the military prestige of the Southern troops by their masterly, and extraordinary, resistance to the enormous Union armies then in the field. When Mr. Lincoln replied to Mr. Hunter's remark that Charles I. had treated with rebels, by saying that he remembered that Charles I. ended by losing his head, he did not seem to reflect that he was actually conferring at that time with three representatives of the Southern people in the hope of ending the war.

In the light of these observations the precise value and significance of what was said by Mr. Lincoln and Mr. Seward to the Confederate Commissioners in that Conference will now be considered.

Mr. Lincoln, in the clearest and most positive manner, assured the Confederate Commissioners that the Southern people, upon

the restoration of the Union, would come at once under the protection of the Federal Constitution. This was the highest assurance that he could give them for the security of their personal and political rights. They would have this protection through the same instrumentalities, and in the same manner as the people of the Northern States. This was more than the opinion of Mr. Lincoln and Mr. Seward, for it is a matter of history that the republican leaders, with the single and prominent exception already mentioned, shared Mr. Lincoln's views in respect to the indissolubility of the Union, and upon their own fundamental theory of the union of the States, the South could not be held as a conquered province and the Southern men as vassals of the conquerors. In the estimation of Mr. Lincoln, he was then giving the Southern men the most explicit assurance that they would have, when they laid down their arms, the same rights and the same liberties that were enjoyed by the other citizens of the United States.

Mr. Lincoln gave the most positive and explicit assurances that he would execute the confiscation and other pains and penalties, acts of Congress with the utmost liberality. This certainly constituted the most positive stipulation upon his part of executive clemency if not of universal amnesty for the Southern people. There were to be no confiscations, no pains and no penalties for the Southern people, then at war with the United States Government, under the executive policy of the President of the United States. To Mr. Hunter's declaration that unconditional submission to the mercy of the conquerors was demanded, Mr. Seward instantly replied that there was no place in the conference for such a suggestion with an explicit explanation of what a restoration of the Union meant to the Southern people in respect to their constitutional rights.

To Mr. Hunter's inquiry as to what guarantee the Southern people would have as to protection if they returned to the Union, Mr. Lincoln promptly gave assurances of executive clemency.

It was therefore a misconstruction and a misconception of the Hampton Roads Conference to suppose that peace could be restored to the country only upon the basis of the unconditional submission of the Southern people to the rule and will of the conquerors.

In respect to the proposed compensation for the slaves it is true that Mr. Lincoln did not speak with official authority, but what he said on this subject was unquestionably entitled to the gravest consideration. Mr. Lincoln's promise that he himself would favor and support such a measure was a positive assurance to that extent to the Confederate Commissioners. Mr. Seward's assurances were to be regarded in the same light. Mr. Lincoln's assurance that a public sentiment in favor of compensation for the slaves then prevailed largely in the North was entitled to great weight. The remark of Mr. Lincoln that it would astonish the commissioners if he were to mention the names of the persons who then favored such a measure, was significant.

The suggestion of Mr. Seward that it required the votes of three-fourths of all the States of the Union to ratify an amendment to the Federal Constitution and that the votes of ten States would defeat an amendment, showed clearly the force of the position the Southern States would have occupied in respect to the question of compensation for the slaves. With the influence of Mr. Lincoln and his Cabinet supported by the public sentiment which in his estimation then prevailed in the North, augmented by the moral force of the voluntary return of the Southern people to the Union at that time, and the equity of the Southern people for compensation for their slaves as a condition of emancipation, it seems entirely probable upon these considerations that Congress would have passed such a measure.

The fact that Mr. Lincoln, after the conference, prepared the draft of a message to Congress asking for the appropriation of four hundred millions of dollars for the purpose of making compensation for the slaves of the Southern States that might return to the Union, constitutes the proof of his good faith in giving the assurances that he did at the Hampton Roads Conference.

The fact that the members of Mr. Lincoln's Cabinet were of the opinion at that time that Congress would not favorably consider such a measure, is not a conclusive indication that Congress would not have concurred in the views of the President if the Union had been restored at Hampton Roads.

The practical question presented at the time of the Hampton Roads Conference for the consideration and decision of the Confederate authorities was simply whether the cause of the South-



ern Confederacy was then practically hopeless. If it was then apparent that the resources of the Confederacy were exhausted and that further resistance was hopeless and useless, then peace should have been made on the basis proposed by Mr. Lincoln at the Hampton Roads Conference. While it is true that the Confederate authorities had no power or authority to place the Confederate States back into the Union, it is equally true that each one of the Confederate States had the plenary and sovereign power at its own will to leave the Confederacy and return to the Union. If therefore, the Confederate Commissioners and the Confederate authorities had deemed it the wisest course to terminate the war on the basis proposed by Mr. Lincoln as the best terms that could be obtained, they could have submitted Mr. Lincoln's assurances to the several States for their consideration and determination.

This was never done for it seems that the Confederate Congress sustained the position taken by the President of the Confederacy, and little was known at the time outside of high official circles at Richmond of what actually transpired at the Hampton Roads Conference.

Looking back to these important and historical events it may be said that it was unfortunate for the South that peace was not made on the basis of the restoration of the Union, if the surrender of the South at that time would have carried with it the practical and substantial settlement of the question of secession of which there can be no doubt.

As a matter of speculative opinion, it is probable that Congress would have insisted then upon some of the conditions of the Fourteenth Amendment as a basis of reconstruction, but with Mr. Lincoln's friendly predispositions towards the South the pacification of the country would not have been attended with the friction and embarrassments that followed the refusal of the South to make peace at the Hampton Roads Conference, and the subsequent refusal of the Southern States to accept the terms of the Fourteenth Amendment as the basis of reconstruction.

None of these considerations arose at that time, and the actual condition of the Southern Confederacy was preëminently the question for the consideration of the Confederate authorities, and

upon this the wisest and most statesmanlike course would have been to have made peace on the terms proposed by Mr. Lincoln at the Hampton Roads Conference.

#### BIBLIOGRAPHICAL NOTE.

1. In the *War between the States*, by Alexander H. Stephens, vol. ii., there is a full account of the Hampton Roads conference. In Appendix R to this volume will be found the entire correspondence relating to, and preceding the Hampton Roads Conference, the full text of the letter from Mr. Lincoln to Mr. Blair, and Mr. Davis' letter to Mr. Blair, and the letter of instruction from Mr. Davis to the Confederate Commissioners, also the report of the Commissioners, and the message of President Davis to the Confederate Congress.

2. The original of Mr. Blair's letter which he read to Mr. Davis is in the archives at Washington, and is published in the *Life of Lincoln*, by Nicolay and Hay.

3. Mr. Davis' memorandum of what occurred between himself and Mr. Blair is in vol. ii. of the *Rise and Fall of the Confederacy*.

4. The facts in respect to the condition of the Confederacy at the time of the Hampton Roads Conference is based mainly upon the text of the *War Between the States*, and Rhodes' *History of the United States*.

## SOME UNPUBLISHED LETTERS OF BURTON N. HARRISON.

BY JAMES ELLIOTT WALMSLEY.<sup>1</sup>

Burton N. Harrison was born in July, 1837, and died in New York City, March, 1904. At the outbreak of the Civil War, Mr. Harrison was an assistant professor in the University of Mississippi. This chair he resigned to become President Davis' private secretary, which position he held during the war. The following letters were written from New York to his mother and family, who lived at Oxford, Mississippi, till late in the fall of 1867. The originals are now in the possession of Mr. Harrison's sister, Mrs. G. W. Sulser, of Maysville, Kentucky, through whose kindness the writer was allowed to see them in the spring of 1903.

It is hoped that their publication will not only be of interest, as embodying the impressions of one who was an eye-witness of the scenes, and who was in a position to know the details of President Davis' imprisonment, but also that others having letters and documents bearing on phases of State history will be encouraged to preserve them and put them in a form accessible to future historians.

NEW YORK, *June 13, 1866.*

DEAR MOTHER:

The letter before this informed you that we expected to secure the chief's liberation upon bail or parole, that President Johnson, himself, had said

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<sup>1</sup> James Elliott Walmsley, Professor of History and Economics in Millsaps College, was born in Hanover county, Virginia, June 24, 1872. His paternal ancestors came to America in the latter part of the seventeenth century. They were descended from an old English family in Sussex, England, which can be traced to the time of William I. One of this family, Gilbert Walmsley, is said to have been the first patron of Samuel Johnson.

Professor Walmsley was graduated from Randolph-Macon College, Ashland, Va., in 1894, with the degrees of B. A. and M. A. He has taught in the following institutions: Randolph-Macon College (1893-5); Randolph-Macon Academy, Bedford City, Va. (1895-7); Kentucky Wesleyan College, Winchester, Ky. (1897-1903); Millsaps College, Jackson, Miss. (1903-). He has done graduate work at Cornell University, the University of Virginia, and the University of Chicago. He is now engaged in writing a thesis for the degree of Ph. D.—EDITOR.



to Mr. Brady and Governor Pratt, but a short time ago, that it would be very impolitic in the government to bring Mr. Davis to trial now, that the public judgment had practically settled all the questions to be put in issue on a trial for treason, that the government could not possibly gain anything by prosecuting or even convicting Mr. Davis on a charge of treason, that the discussion of those questions by eminent lawyers would stir up feeling throughout the country, and that the whole Southern people would forever regard Mr. Davis as a vicarious martyr, and cherish his memory with the fondest affection for him and the bitterest hostility to the U. S. Govt.

It thus became evident that my theories for the last ten months were to be proved true,—that the postponement of the trial was merely a putting off of the ultimate decision of the matter indefinitely, and that the chief would never be arraigned. This was a great disappointment to the chief,—he has all along earnestly desired a trial, confident of acquittal, or at any rate, assured that if an opportunity were offered him and his lawyers to make an argument and vindicate his views and conduct, the world and posterity would see the thing in its right light, if the court and the jury did not.

As to the charge about complicity in the plot to assassinate Lincoln, some of them still clamor about that occasionally for party purposes, but the people, generally, and the most respected of the party leaders, particularly, have long ago abandoned the use of such a reproach to them rather than to the great man against whom it was directed. President Johnson, himself, told Mrs. Davis, in the conversation he had with her three weeks ago, that he never had believed that Mr. Davis had anything to do with, or knew anything about, that hideous murder, that he had been compelled by Stanton and Holt to issue that proclamation making the charge and offering a reward for the chief's arrest, that they had positively assured him that they had conclusive evidence of complicity, that his own (Johnson's) tenure of the presidential chair was then so insecure, and the popular excitement so great that his refusal to issue the proclamation would have subjected him to a charge of complicity himself for refusing to arrest a man against whom public suspicion was aroused; but that he did not then and does not now, believe at all in the truth of the charge.

Wilson of Massachusetts, Foster and Dixon of Connecticut, and others, came to visit Mrs. Davis in Washington at that time, too, expressing the kindest feelings and highest regard for their old-time associate in the U. S. Senate, asking her to allow them to make a formal recommendation for his release on parole and assuring her that they had never for a moment entertained the thought that any of the infamous party assaults on his character (charges of assassination of Lincoln, and bad treatment of prisoners especially) were true. Horace Greely has from the first, scorned such accusations, and the other day, when one of our friends told him of the proposed attempt to secure bail, he said: "Yes, sir, they have made charges against Mr. Davis, which they knew at the time they made them to be utterly false, and now that they talk about bail, I claim the honor, sir, to be one of his bail bond." He has, personally, been very manly about it from the moment of our capture,—was the first man in the North to write Mrs. Davis a letter of sympathy and encouragement, taking care that all the world should know of his feeling and that nobody should be able to accuse him of clandestine communication with the great Rebel's wife, by addressing the envelope to "Mrs. Varina Davis, wife of Jefferson Davis, from Horace Greely," and by sending it to her open, thro' the Secretary of War, and thence down to Georgia thro' the hands of all the military commanders until it reached her. Henry Ward Beecher is understood to have something of the same feeling, and has repeatedly reprobated anything like harsh treatment of the chief. And, still more striking, Thaddeus Stevens recently sent an offer to become one of Mr. Davis' counsel, if it were agreeable to

us to have him serve. Though there the wily old rascal has a purpose of his own to accomplish. His doctrine is that there is no treason in the war after it had once been set on foot, that the opposing enemies represented independent belligerent governments, and that the Southern communities are now *not States* with rights under the Constitution, *but merely conquered territories*, which may be disposed of as he and the radical party in the North see fit. In order to get that doctrine established he wants Mr. Davis tried for treason and acquitted, then he thinks his nice little political schemes will come along as a natural consequence.<sup>3</sup>

So you see what a wonderful change has come over the style of talk of the party leaders within one year, and you can perceive what the opinions of all the world will be in the next generation. Well, Mr. O'Connor, Mr. Brady, Mr. Shea, two young lawyers to hunt up authorities, &c., and I started for Richmond a week ago. In Philadelphia we were joined by Mr. Reed, in Baltimore by Gov. Pratt and Mr. George Wm. Brown.

Mr. O'Connor, Mr. Shea and Gov. Pratt stopped in Washington. The rest of us went to Richmond where we did nothing whatever except to make a formal demand for trial. The court replied that the government was not ready for trial, and again postponed the case until October next.

This was as we expected, and we then looked to Mr. O'Connor in Washington to consummate the matter there by securing parole from the President, or bail from the Chief-Justice. During the first four or five days of the week everybody in Washington seemed to be all right for us, the President, the Cabinet, the Radicals in Congress, and everybody else there,—the Chief-Justice, &c. Mr. O'Connor expected to have bail or parole on Saturday. But between Friday morning and Saturday noon, some of that slippery set of rascals managed to give the thing an entirely new direction. They worked over some of the Cabinet, passed a resolution in the House demanding that the chief be retained in prison until tried and bullied the President into a declaration of his inability to serve us by granting parole at this time. And, so all our hopes seem to be dashed to the ground and it seems likely therefore that we shall have to wait until Congress adjourns before Mr. Davis can be got out,—a hard conclusion surely.

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Your dutiful son,

BURTON N. HARRISON.

NEW YORK, *May 18, 1867.*

DEAR MOTHER:

I have been in such a rush and whirl for the last few weeks as to have been utterly unable to keep still long enough to write a respectable letter. The newspapers, however, have told you what I have been about, and I presume that you have seen my name mentioned. You know, of course, that we have achieved our great labor and that the chief has been released on bail, at last!

On Monday afternoon (two weeks ago) Mr. O'Connor sent for me and told me I must start off immediately on the great journey. I set out at daybreak next day—spent an hour in Philadelphia with Mr. Reed—pushed on to Richmond and reached that town before dawn, in a furious rain-storm on Wednesday. It reminded me (the rain) of the storm thro' which we all went to Richmond last year and seemed a bad omen. But fortunately things have changed since then, and this time our enterprise proved an entire success. I had with me the original writ of "habeas cor-

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<sup>3</sup>This belief of Mr. Stevens was first declared in Dec. 1865. Mr. Harrison's suspicion here was almost prophetic in view of the events of the next decade. He seems to have been one of the few Southern men who saw clearly at this time that "independence" for four years logically involved the theory of "conquered territory" afterward.



pus" for Mr. Davis, about which so much has been said, and had to have it signed, etc., etc., by the Clerk of the Court. We attended to that on Wednesday. Thursday Col. Ould (formerly our commissioner for the exchange of prisoners) set off for the Fortress in company with the marshal to serve the writ on Gen'l. Burton, commanding the fort. I remained in Richmond until next day to receive further instructions from Mr. O'Connor by telegraph. On Friday I went down the James River to Norfolk, then to Fortress Monroe. It was the second anniversary of our capture and I was glad to be able to spend it with them in their dungeon and believe that it was to be the last night of their imprisonment.

Next day we took the boat for Richmond. Gen'l. Burton is a gentleman and has been exceedingly kind to Mr. Davis during all the time he has been in command. He was as considerate and attentive on the boat as possible. Had no guards or sentinels exacted no parole of any kind, gave us all possible freedom, and anyone looking on would have supposed that he was merely our fellow passenger and very polite to us. At all the landings up the river there were little clusters of people to see Mr. Davis. At Brandon<sup>a</sup> they had seen me as I went down the river and had learned that the chief was coming up next day. They were ready to receive us, therefore, and such a reception one can hardly expect anywhere else in the world. The ladies came on the boat, embracing and kissing him, weeping, praying, and asking God's blessing on him, until we were all overcome with the scene. Reaching Richmond we found a crowd of thousands of people on the wharves,—mainly negroes, some of whom had been instructed by the vicious Yankee emissaries who are among them, to show their insolence to us. The presence of some soldiers, however, served to keep them in order and nothing disagreeable happened. Mr. James Lyons (a conspicuous citizen of Richmond), took Mrs. Davis in his carriage. Gen'l. Burton and Surgeon Cooper marched off the boat, followed by Mr. Davis, who held my arm. We four got into an open carriage and drove rapidly to the Spotswood Hotel, where the proprietors had prepared for Mr. Davis, the very rooms which he had occupied in 1861 when he came from Montgomery to be president of the C. S. All along the street men stood with uncovered heads and the women waved their handkerchiefs from the windows.

At the hotel, there was no guard or constraint upon him. He had his private parlor and received visits from hundreds of friends who called.

Next day, Sunday, he spent indoors, receiving visitors,—particularly just after the congregations came from church. The parlor was crowded with pretty women—he kissed every one of them—and I observed that he took delight in kissing the prettiest when they went out as well as when they came in.

Monday morning the feeling thro' out the community was at fever heat. The Judge, Underwood, is the "bete noir" of Richmond,—everybody regarded him with horror and disgust because of that villainous discourse to his grand jury of negroes, which he called his "charge,"—everybody felt certain that he would shut Mr. Davis up in the town jail as soon as he could get control of him. We of the counsel felt more hopeful—we had received every assurance from the Attorney Gen'l. and others that all would go well with us,—and yet even we could not count on what Underwood might do and were afraid that he would seize the occasion as an opportunity to indulge his malignant passions.

However the first steps had been taken and there was no backing out. The women, all over town, were praying, and the men wore the most anxious faces even those streets had ever seen. The people kept their excitement under control, however, because everybody felt that an outburst would only compromise Mr. Davis. As to what happened in the court

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<sup>a</sup> The Harrison home on the James River.



room the papers will tell you. The officials seem to have caught the spirit of the crowd and every one of them did his utmost to be polite. I went in with Mr. O'Connor. Mr. Davis appeared, preceded by Gen'l. Burton in full uniform, and followed by the marshal. He was conducted to the prisoner's dock and looked somewhat flushed with nervous excitement. The marshal came across the room looking for me, and invited me to come and sit beside Mr. Davis, that he might feel he had a friend near him and not suffer from a disagreeable consciousness of proximity to constables and turnkeys. It was a delicate consideration for the feelings of a man like Mr. Davis, which one would expect from a gentleman,—but coming from that fellow I confess it surprised me. I thanked him with effusive gratitude and taking my seat next "the accused" felt as exalted as if I were enthroned beside a king. In a moment the courtesy was extended by conducting Mr. Davis within the bar to a seat beside his counsel. I stood beside him thro' it all, and was the first person to congratulate him on the result.

Everything went according to our hopes. It had been agreed upon that there should be no "speeches," and the remarks which had to be made were of the most meagre. When it came to the Judge's turn to speak and he announced that the case was "bailable" and that he would admit the prisoner to bail, the effect was electrical. Everybody's face brightened, and when it was all over, everybody rushed forward to congratulate Mr. Davis. The court room, which had been as still almost as a death chamber, resounded with shouts. He asked me to get him out as soon as possible, and taking his arm I pushed thro' the crowd to a carriage, which was in waiting.

As long as I live I shall never forget the joyful excitement of the crowd outside, as they rushed to the carriage to shake his hand and pursued us with cheers and "God's blessings." At the hotel there was a great company—assembled to congratulate him as he came up the stairs upon my arm, but everybody held back with instinctive delicacy as he entered the room where his wife was. After a moment I followed with Dr. Minnegerode, his pastor,—the door was locked and we all knelt around the table in thankful prayer for the deliverance which God had brought us. We were all sobbing, with tears of joyful emotion. When the door was opened and the happy multitude of friends came in with their tears and smiles of welcome, I escaped from the room.

You never saw a community in such a glee of good humor,—everybody shaking hands, embracing, weeping and drinking toasts. The animosities of the war were forgotten for the moment, and for the first time since the war ended, Richmond people showed hospitalities to the Yankees.

Gen'l Burton and Dr. Cooper were feasted day and night, as a mark of gratitude for their long continued kindness to Mr. Davis at the Fortress. We thought it best to take Mr. Davis at once from a scene of such excitement, and so they took passage for New York on the steamer immediately. He is on his way to Canada to see his children. He remains in New York a day or two to get rested. Last night he had become so exhausted with the excitement and the constant string of visitors who insisted upon seeing him at the New York Hotel, that I took bodily possession of him and (despite his half-expressed unwillingness) drove him out in a carriage to Mr. O'Connor's house at Fort Washington, on the Hudson, and I left him there to get a good sleep in the country and to enjoy a day or two of quiet, before he continues his journey.

He is looking very thin and haggard and has very little muscular strength. But his spirits are good, he has improved in appearance very greatly since he left his dungeon, and I think he will be in very good condition as soon as he gets rested. Both he and Mrs. Davis have inquired about you.

\* \* \* \* \*

Your affectionate son, BURTON N. HARRISON.



## CONFEDERATE CEMETERIES AND MONUMENTS IN MISSISSIPPI.

BY R. W. JONES.<sup>1</sup>

During the long and bloody war which the United States Government under President Abraham Lincoln waged against the Confederate States of America, many sanguinary battles, besides skirmishes, were fought on the soil of Mississippi. For years Federal and Confederate armies marched, bivouacked and camped upon her territory. Hospitals were established in a number of towns for the sick and wounded soldiers. The num-

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<sup>1</sup> Richard Watson Jones, at present Vice-Chancellor and Professor of Chemistry in the University of Mississippi, was born in Greenville county, Virginia, May 16, 1837. Graduating from Randolph-Macon College, Virginia, with the degree of B. A., he subsequently pursued a post-graduate course in the University of Virginia, from which institution he received the degree of M. A. in 1861. In 1881 the degree of LL. D. was conferred upon him by Mississippi College, Clinton, Miss. He served in the Confederate Army from 1861 to 1865, and had the honor of being present and surrendering his regiment at Appomattox Courthouse, Va. He entered the Confederate Army as a private and filled successively and successfully the positions of Captain (1862-1864) and Major (1864-1865). He was twice wounded and several times promoted. Dr. Jones began teaching in 1866, being that year elected Professor of Mathematics in Randolph-Macon College. For three years he was President of the Petersburg Female College, and for five years President of Martha Washington College. He was Professor of Chemistry in the University of Mississippi from 1876 to 1885, which position he voluntarily resigned to accept the presidency of the newly established State Industrial Institute and College, Columbus, Miss. After three years of efficient service in this institution, he was called to the presidency of Emory and Henry College, Virginia. Voluntarily resigning this position, he returned to the University of Mississippi in 1890. He was married to Miss Bettie S. Spradley, of Greenville county, Virginia, Jan. 6, 1864.

Dr. Jones is a member of the American Chemical Society, American Association for the Advancement of Science, and Mississippi Historical Society. He has also been actively connected with the Mississippi Young Men's Christian Association since its organization, having been for eighteen years a member of the State Committee of the organization. He was literary editor of the *Rural Messenger*, Petersburg, Va., in 1870; of the *Petersburg Courier*, 1868-71; one of the associate-editors of the *People's Encyclopaedia*, 1881-2. As an author he has contributed the following articles: "Cotton Army Worm" (1880), "Cotton Boll Worm" (1880), "How to Teach a Bible Class" (*Sunday School Magazine*, Nashville, Tenn., 1875), "The Prophet Elijah" (*Ibid*), and a large number of other contributions of a literary, scientific and educational nature. He has been a delegate to six General Conferences and one Ecumenical Conference of the Methodist Episcopal Church.—EDITOR.



ber of engagements is variously stated at from eighty to two hundred and thirty-eight.<sup>2</sup> The destruction of life was fearful, and of property, incalculable. Wherever the Federal armies went they left broad tracks of charred, blackened ruins, desolation, starvation and death. This was especially true of the army commanded by Gen. W. T. Sherman, which used, besides cannon and rifle, fire and plunder. Thousands of good women and innocent children were rendered homeless and made beggars for bread; these things increased death's harvest and enlarged the burial grounds. Nothing Weyler ever did in Cuba was more heartless than the cruelties and suffering imposed upon the non-combatants in Mississippi. Some of the Confederate soldiers who fell in battle were hastily buried by their comrades; in other instances they were buried in trenches by the Federals and the places of burial left without any marks to indicate them. Those who died of wounds or sickness in hospitals were buried under conditions more favorable for marking and protecting their graves. For years after the close of the long, trying, exhausting struggle the people of Mississippi were so impoverished, so humiliated and so oppressed by the measures and agents of the Federal Government, by the "Carpetbaggers" and "scalawags," which that government turned loose upon them that they could do nothing towards enclosing and keeping in order the graves of their fallen comrades. For this reason many of these burial grounds became neglected and the names of thousands of soldiers were lost. As political and material conditions improved, as the people recovered more of civil rights and the privilege of local self government, their native, noble impulses returned and they honored themselves by putting forth their best, most generous efforts to decorate the graves and erect monuments to the memory of those who gave their lives in defense of that cause which Mississippi espoused with the other seceding states.

Our Southern ladies, patterns of purity and gentleness, exemplars of patriotic devotion to duty, teachers of reverence for the noble and brave, have been especially active in this glorious work

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<sup>2</sup>Dr. F. L. Riley in his *History of Mississippi* states the number as 80. Dr. W. L. Lipscomb in an article published in the *Columbus Dispatch* of Sept. 14, 1902, gives the number of engagements as 238. The difference may be accounted for by the modes of designating a battle.

of preserving and honoring the memory of our fallen Confederates. It is a work of a civilized people to hold in grateful memory and reverence the names of those who sacrificed themselves in defence of home and country.

Federal cemeteries have been laid out and enclosed and decorated with commendable skill and taste, and are kept neat and attractive, almost without regard to expense. Federal veterans also receive a liberal support. Thus the government shows its grateful appreciation of the services of men who performed hard and perilous duty in its armies. All good and true men honor the Southern people both for their bravery and fortitude as soldiers, and for the measure of their fidelity to those who bared their breasts to the storm of war in the Confederate ranks.

Our lamented President, William McKinley, at Atlanta, Ga., December 14, 1898, delivered a most patriotic address, which met with the heartfelt approval of the people throughout the entire country; and especially did he thereby greatly endear himself to the Southern people. We quote from his address the following:

"Sectional lines no longer mar the map of the United States. Sectional feeling no longer holds back the love we bear each other. Fraternity is the national anthem, sung by a chorus of forty-five States and our Territories at home and beyond the seas. The Union is once more the common altar of our love and loyalty, our devotion and sacrifice. The old flag again waves over us in peace with new glories, which your sons and ours have this year added to its sacred folds. What cause we have for rejoicing, saddened only by the fact that so many of our brave men fell on field or sickened and died from hardship and exposure, and others, returning, bring wounds and disease from which they will long suffer. The memory of the dead will be a precious legacy, and the disabled will be the nation's care.

"A nation which cares for its disabled soldiers, as we have always done, will never lack defenders. The national cemeteries for those who fell in battle all prove that the dead as well as the living have our love. What an array of silent sentinels we have, and with what loving care their graves are kept! Every soldier's grave made during our unfortunate civil war is a tribute to American valor.

"And while, when these graves were made, we differed widely about the future of this Government, these differences were long ago settled by the arbitrament of arms \* \* \* *and the time has now come in the evolution of sentiment and feeling under the providence of God, when in the spirit of fraternity we should share with you in care of the graves of the Confederate soldiers.*

"The cordial feeling now happily existing between the North and South prompts this gracious act, and if it needed further justification it is found *in the gallant loyalty to the Union and the flag so conspicuously shown in the year just passed by the sons and grandsons of these heroic dead.*

"What a glorious future awaits us if unitedly, wisely, and bravely we face the new problems now pressing upon us, determined to solve them for right and humanity."

President Roosevelt displayed magnanimity in a recent act by which he showed his high appreciation of a distinguished living Confederate officer, the gallant and true Gen. F. M. Cockrill, of Missouri. It is indeed gratifying to us to know that the passions of the war period have so far passed away that the Federal Congress is willing to adopt President McKinley's declaration that "Every soldier's grave, made during our unfortunate Civil War, is a tribute to American valor" and to make appropriation to care for the graves of Confederate soldiers, who died in the North. This should encourage us and stimulate us to do more to care tenderly for the graves of those who sleep among us.

The object of this paper is to set forth the number and state of Confederate cemeteries and Confederate monuments in Mississippi. In order to get a proper historical basis for it, I sent the following questions to chancery clerks of the counties and in some counties to other persons in addition:

1. Is there a Confederate Cemetery in your county?
2. Where is it located?
3. Is it enclosed?
4. Is there a Confederate monument?
5. Is the Cemetery well kept?
6. Who takes care of it?
7. How many soldiers buried there?
8. From what armies were they?
9. From what battles were the wounded sent?
10. Give names of the dead if you can.

The replies received furnish information for the county sketches, here given in alphabetical order:

#### ADAMS COUNTY.

The following letter, relative to this county is self-explanatory:

"NATCHEZ, Miss.

"We have no Confederate Cemetery in Natchez or Adams county.

"There is a burial lot which was set aside for Confederate soldiers in the Natchez Cemetery, and which contains the remains of about fifty soldiers. The lot is enclosed, and fairly well kept by the Memorial Association of Natchez. Those who were buried in this lot, were strangers. The dead of the commands which left Natchez and which were sent home, or died here, were buried in private lots.

"The Veterans' Association has recently acquired a new lot in the City Cemetery, where soldiers who died in our vicinity, if they so requested, are buried.

"There was no battlefield, nor ever any established camp in Adams county, on the Confederate side—during the war. Consequently there were no great number of burials.



"We have a Confederate monument, centrally located, in Memorial Park, in the city of Natchez. Its cost was \$3,000.00.

"Everything pertaining to the Confederate cause, is well cared for in this community.

FRED. J. V. Le CAND,<sup>3</sup>

*"Comd'r Camp No. 20 U. C. V. and Secy. of Natchez Memorial Association."*

The following words of dedication and quotations from poems are inscribed on the four sides of the Confederate monument, referred to by Captain LeCand:

"C. S. A.

"1861-1865.

"In Memory of the Confederate Dead from Natchez and Adams County, Mississippi.

"Erected by the Confederate Memorial Association of Natchez and Adams County, Miss., 1890.

"And each life that men deem lost,  
When the holder counts the cost,  
And freely lays it down,  
Shall wear a deathless crown."

\* \* \* \* \*

"The Warrior's Banner takes its flight  
To greet the Warrior's Soul."

\* \* \* \* \*

"From each 'Lost Cause' of earth,  
Something precious springs to birth,  
Though lost it be to men,  
It lives with God again."

\* \* \* \* \*

"Dear in the lifeless clay,  
Whether unknown or known to fame,  
Their Cause and Country still the same,  
They died—and wore the gray."<sup>4</sup>

#### ALCORN COUNTY.

This county has no Confederate cemetery but has a Confederate monument. There are perhaps 200 Confederate graves in the old cemetery, which is now used by Negroes. The cemetery and the graves are neglected. Very few of the graves have headstones; those only, whose relatives have erected them. The

<sup>3</sup> Captain Le Cand is the author of the poem, "The Charge at Chancellorsville, or the Rebel Yell."

<sup>4</sup> The inscriptions here given were kindly sent to the writer by R. F. Reed, Esq., of Natchez, Miss.

grave of Colonel Rogers, who fell in Fort Robinet is well kept by the Daughters of the Confederacy. Nearly all, if not all, of the soldiers buried here were killed in battle or died of wounds. They were principally of Beauregard's, Price's and VanDorn's commands, and came from the battles of Shiloh, Farmington and Corinth.<sup>5</sup>

#### AMITE COUNTY.

There is no separate Confederate cemetery in Amite county. Many soldiers were buried in the town cemetery. Their graves are not marked. Amite has a Confederate monument, which it claims was the first erected in this State. It is enclosed with an iron fence and has on it the names of more than 300 dead soldiers from various Confederate armies. I regret that the names on the monument were not copied and sent to the writer.<sup>6</sup>

#### ATTALA COUNTY.

In this county about eighteen Confederate soldiers were buried in the Citizens' cemetery in Kosciusko. Their graves are without names. No information is obtainable as to their companies, regiments, or states. All that is known is the pathetic fact that during the war they grew sick and died and were buried by the citizens.<sup>7</sup>

#### CHICKASAW COUNTY.

The following interesting account was written by Mrs. David McCarley, President of the Okolona Chapter of the United Daughters of the Confederacy.<sup>8</sup>

"In 1862 the Okolona College building known as Rose Gates College, was taken by the Confederate government as a hospital. It was a three-story building with about a dozen rude wards surrounding it. The Presbyterian church was also used for the same purpose, and a number of soldiers were cared for in private homes.

"While the Confederate Army was operating in Tennessee and Northeast Mississippi, the sick of the army was sent to the hospital at this place, as were the wounded from the battles of Shiloh, Corinth and Brice's Cross Roads. These soldiers were principally from Alabama, Arkansas, Georgia,

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<sup>5</sup> Credit is acknowledged to W. F. Wallace, Esq.

<sup>6</sup> H. M. Bates, Chancery Clerk of Amite county, has kindly furnished the facts here given.

<sup>7</sup> These statements are based on information received from C. H. Campbell, Esq.

<sup>8</sup> The writer is also indebted to Mrs. Oscar Denton for information relative to this county.

Florida, Kentucky, Louisiana, Missouri, Mississippi, South Carolina, Tennessee and Texas. Between 900 and 1,000 deaths occurred in Chickasaw county, and that number of bodies lies in the Confederate Soldiers Cemetery, situated in the southwest portion of Okolona, adjoining the old Citizens' Cemetery, on the south. The college building was burned by the Federals on one of their raids, after it had been abandoned by the Confederacy. The cemetery is enclosed and the graves have been cared for and yearly decorated with appropriate ceremonies, by the members of the Okolona Chapter, of the United Daughters of the Confederacy, who are striving to raise money to erect a fitting monument to the memory of their sacred dead."

A list of the *known* dead buried in the Okolona Confederate cemetery will be found in appendix A to this article.

#### CLAIBORNE COUNTY.

In this county about one hundred Confederate soldiers are buried in Port Gibson; one row of graves in the Protestant cemetery and another row in the Catholic cemetery. These graves are well kept by the Confederate Veterans and the Daughters of the Confederacy. They are marked by headstones. They were mainly filled by soldiers from Arkansas and Missouri, who fell in the battle of Port Gibson, in 1863.<sup>9</sup>

#### CLAY COUNTY.

In West Point about 65 or 70 Confederate soldiers are buried within the enclosure of the Citizens' cemetery. Their names and commands are unknown.

These graves are under the care of the Daughters of the Confederacy, and are reported as fairly well kept.<sup>10</sup>

#### DESOTO COUNTY.

One of the most careful and creditable responses to the inquiries sent out by the writer was that from Hon. T. R. Maxwell, chancery clerk of De Soto county. The Confederate dead were, for the most part, buried in the Baptist cemetery in Hernando; of these there are about ninety. A few were buried in the Spring Hill cemetery. There were about one hundred in all. These

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\* These statements are based on information furnished by Mr. R. C. McCoy.

<sup>10</sup> Reported by T. C. Kimbrough, attorney-at-law, West Point, Miss.



soldiers' graves are decorated every year by the patriotic people of Hernando and De Soto counties. In reference to this custom, Mr. Maxwell says:

"This practice will be kept up, because our people cherish and honor the memory of the dead Confederate soldier. Our children and our children's children will do the same."

"There stands near the ninety graves in the Baptist Cemetery, a handsome and costly monument, erected several years ago, which bears this inscription:

"To the Confederate Dead of De Soto.

"*Illis, victoriam non immortalitaem, fata negaverunt.*"

A list of the soldiers buried in the Baptist cemetery at Hernando, Miss., will be found in Appendix B to this article.

#### GRENADA COUNTY.

There is a Confederate cemetery in the town of Grenada. It is under the devoted care of the Dixie Chapter of the United Daughters of the Confederacy. This spot of earth enwraps the dead bodies of one hundred and seventy soldiers, whose names are unknown, except that of one soldier whose name is pathetically given as "——— Jacoby." Most of these died in the hospital, of sickness, and came from the armies of Price, Pemberton and Van Dorn. A few wounded came from Shiloh and Corinth. The following extracts are made from a letter of Mrs. P. S. Dudley, president of the Dixie Chapter of the United Daughters of the Confederacy:

"During my first term of office \* \* \* the W. R. Barksdale Camp of United Confederate Veterans requested the Dixie Chapter of the United Daughters of the Confederacy to take charge of the Confederate graves. It was a pleasure to do this as best we could. Each year we have observed 'Decoration Day' with memorial services, covering the graves with flowers and flags. We have desired to enclose the cemetery, and have a fund started for that purpose; but all our recent efforts have been called for to aid in fitting the Beauvoir Home for our needy, living veterans."

#### HINDS COUNTY.

At Jackson there is in the old cemetery a plot of ground, separated from the other part of that cemetery by a chain; this is called the Confederate cemetery. Numbers of soldiers died of disease and wounds while the Confederate army was in Jackson and were buried there. The number is not known, and the names are not preserved. In the battle of Baker's Creek, or Champion

Hill, our dead were buried by the Federals in trenches, no separate graves being made. This spot has been so long neglected that there is nothing now discernible by which the burial trenches can be identified.

At Raymond an old graveyard holds the bodies of some Confederate soldiers who died of wounds received in the battle at that place. Those who fell in battle were buried by the Federals on the ground where they were killed and there is now not the slightest trace to indicate their resting place. At Big Black Bridge a number of Confederates were killed and buried nearby; but the same sad thing is true of this place as of Baker's Creek and Raymond. No mark indicates the place of interment.<sup>11</sup>

At Clinton there is a Confederate cemetery, adjacent to the town cemetery, which is in a neglected condition. My inquiries as to the number of graves, etc., remain unanswered. I learned of the existence of said cemetery and its condition from Dr. Franklin L. Riley.

In the old Capitol Square is an imposing Confederate monument, thus described in Goodspeed's *Memoirs of Mississippi*:

"To the Confederate Dead of Mississippi,' unveiled with splendid ceremonies, June 3d, 1891, as a result of five long years of earnest effort by the ladies of Mississippi, organized June 15, 1886, as the 'Confederate Monument Association of Mississippi.' The piece is 64 ft. high from the ground line and is composed of four main parts: the die, a castled chamber, 13 ft. high by 14 ft. wide, fitted to contain a life size statue of Jefferson Davis, which is now in preparation; the plinth of four Egyptian columns, supporting an entablature and (7) seven feet square by nine feet high; the spire shaft, 3 feet square at base, tapering 30 feet to a top two feet square and surmounted by a statue in Italian marble of a Confederate soldier and gun in parade rest, six feet in height. The first public suggestion for such a monument was made by Mrs. Luther Manship, of Jackson, Miss."<sup>12</sup>

Since that time the statue of Jefferson Davis has been placed in the chamber prepared for it.

#### HOLMES COUNTY.

There are two places in this county at which Confederate soldiers were buried, viz: Goodman and Durant. At Goodman twenty-five or thirty soldiers were buried; they were mostly from Missouri and Tennessee and were members of General Price's command.

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<sup>11</sup> These facts were obtained from Hon. H. Clay Sharkey, who is an enthusiastic Confederate veteran and a patriotic citizen.

<sup>12</sup> Goodspeed's *Biographical and Historical Memoirs of Mississippi*, II., 18.

The following touching letter is from the pen of the honored R. C. Lipsey, treasurer of Holmes county and formerly a member of the University Grays, Eleventh Mississippi Regiment of Lee's brigade at First Manassas:

"By request I have filled out answers to questions sent by you. Some years ago I was one of a committee of our U. C. V. Camp to look after the soldiers' graves in Goodman. The ladies of that place deserve credit for enclosing and keeping the cemetery and for placing in it a Confederate monument; all this they have done at their own expense by their own efforts.

"A number of Confederate were buried near Durant; their graves are neglected. The old church which stood there has been moved. \* \* \* I would like to see some interest taken in these old comrades graves. \* \* I was a follower of the 'Lost Cause' from the first until I lost a leg at Sharpsburg. I believe as strongly now as I did in the sixties that 'Our Cause' was right.

"I would like to see a reunion of the University Grays at the University. I know there are but few of them left. Then we were all boys; Capt. W. B. Lowery was only 19 years old. Perhaps the State would take some interest in it. The boys composing the company were from all the Southern States, except perhaps three."

#### JEFFERSON COUNTY.

Captain John W. Broughton, of Rodney, wrote, in 1892, that there was no Confederate cemetery and no monument in his county, but that he and his friends were making an earnest effort to raise funds for the erection of a handsome monument. He said if they could do no more, they would have inscribed the names of Confederate soldiers on mural tablets in the handsome new Court House.

The following clipping from the *Memphis Commercial Appeal* tells the gratifying story of their success:

"FAYETTE, MISS., Jan. 14th.

"The movement to erect a Confederate monument to the memory of the Jefferson County Confederate soldiers was started in 1901 by Capt. John W. Broughton, of Rodney, this county (himself an ex-soldier of the Confederacy), and P. K. Whitney, then editor of the *Fayette Chronicle*, now living at Raymond, Miss.

"The process of collecting funds for this monument has been slow, owing to the fact that the contributions, except in a few instances, have been small. At the last meeting of the State Legislature a bill was introduced by Representative J. S. Hicks, of this county, and passed, empowering the Board of Supervisors to make a donation to the monument fund. The board, composed of Hon. J. J. Embry, President, and W. B. Scott, B. H. Wade, W. M. Geohegan and R. O. Hornsby, promptly did the generous thing and appropriated the sum of \$1,000 to the cause. This sum has been added to until the amount of \$2,027 was raised, and the contract let to George Panke, of Vicksburg, for the erection of both the monument and a neat iron fence, which will inclose the public square on which the monu-



ment was set up. This square will be converted into a park by the planting of numerous shade trees, flowers, etc., and the erection of a fountain. The monument is twenty-two feet high, and is surmounted by the life-size statue of a private soldier of the Confederacy, which was made in Italy for this purpose.

"Members of J. J. Whitney Camp No. 22, U. C. V., who took an active interest in the work of securing funds for the erection of the monument are Capt. D. S. Farrar, Capt. R. V. McDonald, Adj. T. B. Hammett, Col. E. R. Jones, Capt. W. H. Spencer and several others.

"The date for the unveiling ceremonies has not yet been decided upon but will probably be in the early spring."

#### LAFAYETTE COUNTY.

In this county is a large Confederate cemetery, located on ground belonging to the University of Mississippi, about one-third of a mile southwest of the University buildings. In it are buried between 700 and 800 soldiers, most of whom died in the University hospital of wounds and sickness. Soon after the close of the war the ladies of Oxford and the University raised funds and enclosed this cemetery with a wooden fence, but it was destroyed by forest fires. This was repeated a number of times; finally the Lafayette County Camp, No. 752, United Confederate Veterans undertook the task of raising funds for an iron fence. In this their efforts were nobly seconded by the ladies. The result was the erection of a neat and strong iron fence which now encloses it.

In addition to their efforts to raise money for enclosing the cemetery, the ladies worked most commendably for ten or twelve years after the war for funds for a soldiers' memorial. These funds first collected they unfortunately lost by a bank failure. They renewed their efforts, in which were conspicuous Mrs. Jennie Rascoe, Miss Helen Conkey, the Misses Wohleben, Miss Anna Bowen and Miss S. McGehee Isom, Miss Sallie McKie, now Mrs. Murry. The class of 1877 of the University made a contribution to this fund which was to be a class memorial as well as an aid to the soldier's memorial. The money thus raised was used by Chancellor Edward Mayes, LL.D., in the construction of a large memorial glass window in the library building of the University in honor of the "Confederate Grays," a gallant company formed of the students of the University in 1861, whose valor and devotion made glorious many a battlefiled.

In 1892, at the call of R. W. Jones, some of the ladies of the vicinity met in the parlor of Mrs. Jennie Rascoe and by his advice organized a Confederate Memorial Association, the distinct object of which was to solicit and raise money for a soldiers' monument. Mrs. Bem Price was elected president, Mrs. R. W. Jones vice-president, Mrs. J. N. Standifer secretary, and Mrs. Rascoe treasurer. After pursuing this work for some time the organization was changed into the Albert Sidney Johnston Chapter of the United Daughters of the Confederacy. By this organization the work has been prosecuted. The officers were: Mrs. Bem Price, President; Mrs. R. W. Jones, Vice-President; Mrs. J. S. Hudson, Secretary; Mrs. J. E. Neilson, Treasurer; Mrs. J. G. Durpre, Historian. Owing to family affliction Mrs. Price resigned, and Mrs. Jones was elected president, and Mrs. E. O. Davidson and Miss Eugenia Trigg, vice-presidents. Although the community, as a whole, has not encouraged these ladies as generously as would be expected from the sacredness of the cause and the prominence of the locality, some citizens have shown a liberal spirit, and the ladies hope at an early day to be able to erect an imposing marble or granite shaft.

Decoration Day has been observed annually for a long time. It is an interesting historical fact in this connection that in 1892 there seemed to be apathy in preparing for this observance; when a student of the University, W. F. Nelson, of Copiah County, came to the rescue, raised funds, had the graves cleaned off and arranged for a decoration, which was conducted with lively interest. Speeches were delivered by Major R. W. Jones and Capt. Charles B. Howry, and unusual enthusiasm was aroused. Decoration Day is regularly observed each year. A procession is formed in town, headed by the First Regiment Band, followed by the school children, bearing flowers, and the Confederate veterans. They march to the cemetery and scatter the flowers. An address is then delivered by some chosen speaker, and Southern war songs are sung.

It is unfortunate that the boards which were placed at the graves of the deceased soldiers were removed, so that now it is impossible to identify them. The University buildings were long used as a Confederate hospital; many wounded and sick soldiers from the armies of Generals A. S. Johnston, Bragg,

Price, VanDorn, Forrest and perhaps others, were there given medical treatment. For a long time there was a record of the names of the soldiers buried here; Mrs. Jennie Roscoe is said to have possessed such a register, but the writer has sought for it in vain. Dr. Isom was the chief surgeon of this hospital and Dr. A. M. King was one of the assistant surgeons. The latter has furnished a list of those who died in his ward, the names, company, regiment, state and the disease of which they died. With the omission of the last item, this list is given in Appendix C.

#### LAUDERDALE COUNTY.

This county holds three Confederate cemeteries,—one at Meridian, one at Lauderdale and one at Marion. The soldiers buried in these places came from the army of Tennessee and the various armies in Mississippi; from the battles of Shiloh, Corinth, Iuka, Jackson, Raymond, Baker's Creek, Vicksburg and the battles of General N. B. Forest in North Mississippi.

In the cemetery in Meridian about three hundred Confederates were buried. This cemetery was located just north of the city. As the town grew it became necessary to grade the hill on which the cemetery stood. The Masons and Odd Fellows donated a spot in Rose Hill cemetery, and to this the Confederate bodies were removed; this place is known as "The Confederate Circle." The ladies of the Winnie Davis Chapter of the Daughters of the Confederacy have this sacred spot in their care; they have raised a mound and erected an appropriate monument, and keep the cemetery in beautiful condition.

When it became known that about one hundred fifty Confederate soldiers were buried near Lauderdale Springs, that this cemetery was uninclosed and neglected, and that the property had been bought by a negro, this same Winnie Davis Chapter raised funds and bought two acres of ground in which the bodies were buried, and are making arrangements to have it suitably enclosed at the earliest date.

With the assistance of this chapter, the Stonewall Jackson Chapter of United Daughters of the Confederacy was organized at Marion. This last chapter, with the co-operation of the patriotic people of that vicinity, purchased the ground in which one hundred fifty or two hundred soldiers were buried, and have



inclosed it with a neat, durable fence. Every reader will award unstinted praise to these noble ladies.

From the above facts it appears that in the three cemeteries in Lauderdale County there are at least six hundred Confederate dead.<sup>18</sup>

#### LOWNDES COUNTY

This county has no Confederate cemetery, but during the war a part of the Odd Fellows' cemetery in the city of Columbus was set apart for the burial of Confederate soldiers, and the remains of about eighteen hundred are resting there now. The records were lost and, therefore, it is impossible to give all the names. The wounded were sent there from the battlefields of Shiloh, Corinth, Harrisburg and other engagements of General Forrest. There are two Confederate monuments within the enclosure.

In addition to the foregoing facts, from E. S. Moore, the names of the following Confederate soldiers, who are buried there, are taken from an article written by Dr. W. L. Lipscomb, and published in the *Columbus Dispatch*, September 21, 1902:

Sergeant E. T. Bennett, Dr. John Williams, Lieut. Col. A. K. Blythe, Lieuts. Whitfield Morton, John Garvin, Capt. Randolph Blewett, Lieut. McKinney Irion, Octavius Williams, Dr. W. E. Sykes, Gen. Wm. Baldwin, Col. Isham Harrison, Lieut. Thos. Field, Lieut. Wm. Carrington, Capt. T. I. Sharp, Col. Wm. S. Barry, A. S. Robertson.

The graves of these brave and true men are all marked by monuments erected by their respective families and friends. These dead fell at the following places: Fort McRae, Fla.; Fort Donelson, Shiloh, Richmond, Va.; Corinth, Decatur, Ala.; Mobile, Ala.; Harrisburg, Miss.; Atlanta, Altoona, Ga. In the Spring of 1866 the noble, patriotic ladies of Columbus began the work of clearing off the graves of the soldiers and decorating them with flowers. At that early date there were also the graves of Federal soldiers at that place. All were treated with the same reverential care, as fallen heroes and American soldiers. Afterwards the bodies of the Federal soldiers were removed to a National cemetery. The pious work, thus early begun, has been kept up with zeal and devotion by the ladies of the Monumental Association and later by the Daughters of the Confederacy. No

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<sup>18</sup> For these data I make grateful acknowledgement to Gen. B. V. White.

ladies in all the South have displayed greater constancy and intensity of devotion to this pious and exalting work of honoring our dead soldiers than have these godly women of Columbus, Miss. They are worthy of unmeasured praise and their example is eminently worthy of imitation in its spirit and in its manifestation. Where so many have taken honorable part, it may seem invidious to mention a few. Space forbids the mention of all. As leaders in the first movement, the article referred to gives the names of Miss Matt Morton, Mrs. J. T. Fontain and Mrs. Green T. Hill. Among those conspicuous for honoring graves of Federal soldiers is the name of Mrs. Augusta Murdock Cox, a lady of radiant virtues and exalted Christian character.

Special praise is due Mrs. E. T. Sykes, who served four years as President of the Ladies' Monumental Association. At the first decoration of graves in 1866 the address was delivered by the gifted, now sainted, Dr. G. T. Stainback.

The people of Columbus claim that they erected the first monument ever raised to Confederate soldiers.

#### MADISON COUNTY.

This county has a Confederate cemetery, located in Canton. It is enclosed and well kept under the care of the noble ladies of that town and county. In it are buried three hundred fifty bodies. These soldiers came mostly from the Army of Tennessee and from the battles of Shiloh and Corinth.<sup>14</sup>

The citizens of Madison county distinguished themselves by raising two monuments, one in honor of Confederate soldiers and another in honor of Harvey's Scouts, a heroic company of trusted and tried men, commanded by the gallant Captain Ad Harvey.

#### MARSHALL COUNTY.

This county has a Confederate cemetery well inclosed and neatly kept by the authorities of Holly Springs, and at the expense of the city. In it are buried three hundred or more Confederate soldiers. Some of these fell in the skirmishes in and

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<sup>14</sup> C. S. Priestley, Esq., Chancery Clerk of Madison county, has kindly furnished the facts upon which these statements are based.

around Holly Springs and some died in the Confederate Hospital there.<sup>15</sup>

The people of Holly Springs and the best citizens of Marshall county generally, have shown a spirit of intelligent patriotism and general devotion to duty in caring for the graves of these honored dead. To their memory the citizens of Holly Springs have erected a worthy monument.

#### MONROE COUNTY.

The following is from the gifted pen of that noble and true citizen, Hon. W. B. Walker, who died while a member of the State Senate in 1903:

"ABERDEEN, Miss., 6-21-'02.

"The Daughters of Confederacy of this place, a little more than a year ago at a crossing of two of our principal streets, erected a very handsome and imposing monument to the Confederate dead of Monroe county. The scheme is a life size figure of a soldier on picket duty, standing on a shaft of marble about 12 or 15 feet high. On a pedestal, or base, of sandstone, are inscribed the names of many Monroe county soldiers who won honors during the war. This monument I think cost in the neighborhood of \$2,000.00. In the cemetery about three-fourths of a mile south of town, there are about eighty graves of Confederate soldiers, buried on a plat to themselves. The grounds are looked after and kept in good condition by the Daughters of Confederacy, and it is inside of the enclosure around the citizens' cemetery.

"So far as I am informed the names of the soldiers buried in this plat are unknown. Once a year the ladies of the town decorate these graves with flowers, and usually have an address or some other interesting exercises in connection therewith. They are now raising a fund for the purpose of erecting a marble marker and headstone at each grave. I think they have nearly enough funds in hand to accomplish that purpose."

#### MONTGOMERY COUNTY.

Mr. J. S. Cameron reports that there is no Confederate cemetery in this county, but that the bodies of fifty-six Confederate soldiers are buried in the Citizens' cemetery, at Winona, of whom nothing is known.

#### NEWTON COUNTY.

This county has a Confederate cemetery, located in the town of Newton, in which were buried about one hundred Confederate soldiers.

During the war there was a hospital at Newton in which were

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<sup>15</sup> Hon. H. C. Myers has kindly furnished the facts upon which these statements are based.



treated about 1,000 Confederate sick and wounded; 100 of these died. These soldiers were mostly from the army at and about Vicksburg. The grounds are not enclosed and are not well cared for. There is no monument.

About ten miles east of Newton a dreadful railroad wreck occurred in 1863, in which seventy people were killed, sixty of whom were Confederate soldiers. They were buried on the railroad "Right of Way," where the accident occurred.<sup>16</sup>

#### NOXUBEE COUNTY.

There is a cemetery for Confederate soldiers in the Odd Fellows' cemetery, Macon. It is well enclosed and well kept by the honored order of Odd Fellows. It contains the bodies of three hundred soldiers whose names are unknown. Within it is an appropriate monument.<sup>17</sup>

#### PIKE COUNTY.

In Magnolia there is a soldiers' cemetery which is enclosed and nicely kept by the Ladies' Cemetery Association. Two hundred nineteen soldiers' remains rest therein. Their names have been lost; they were from Arkansas, Texas, Louisiana and Tennessee. Most of the wounded were from the battle of Shiloh. These graves are decorated with appropriate memorial exercises April 26 of each year.<sup>18</sup>

#### PONTOTOC COUNTY.

Two soldiers were buried in the Citizens' cemetery in Pontotoc town.<sup>19</sup>

#### PRENTISS COUNTY.

A part of the Citizens' cemetery at Booneville is appropriated to the "Confederate Dead." This cemetery is enclosed by an ornamental wire fence, and within it has been erected a monu-

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<sup>16</sup> For these facts the writer makes acknowledgement to Prof. W. V. Fant and Mr. A. J. Brown.

<sup>17</sup> W. P. Minor, Esq., has kindly furnished the information upon which these statements are based.

<sup>18</sup> Hon. W. C. Vaught has kindly given data for the statements in this paragraph.

<sup>19</sup> This fact was kindly communicated to me by Mr. R. B. Patterson.

ment to the brave defenders of the South. This cemetery is under the care of Mrs. G. B. Ellington and is nicely kept. There are seventy-four graves in it. Among those who were buried at this place are the following: Moses McCauley, Lieut. Col. 11th Miss. Infantry; J. M. Walker, courier for Gen. Jas. R. Davis; J. M. Bynum, 32d Miss. Infantry; Geo. Walter, 26th Miss. Reg.; Henry Smith, 32d Miss. Two of the soldiers buried here were killed in Generall Chalmers' Booneville fight; the others are principally from Bragg's army at Corinth. The patriotic spirit of the people of Prentiss county is happily illustrated by the fact that they took steps a few years ago to locate all the Confederate graves in the county. The bodies were then carefully removed, re-coffined and re-interred in this cemetery.

The leaders in this movement should be mentioned with special honor. Their names are, Major Sam. P. Allen and Capt. B. A. P. Selman, who recently "fell on sleep." Decoration Day is observed annually and the graves are covered with flags and flowers.<sup>20</sup>

#### RANKIN COUNTY.

There is a Confederate cemetery at Brandon. It is nicely kept by the camp of Confederate Veterans and the citizens generally. About one hundred soldiers were buried here, mainly from the battlefields of Tennessee and Mississippi.<sup>21</sup>

#### SCOTT COUNTY.

There is a Confederate cemetery at Forest. It is enclosed and well kept, being cared for by the town. In it are buried six Confederate soldiers, whose names are unknown, except that one was named "McLemore" and another, "Flanagan." Nothing else is known of them. Citizens of this good town, by private subscription, erected a monument to these deceased soldiers inscribed as follows:

"In memory of the Confederate Dead.  
Six brave soldiers are buried here."<sup>22</sup>

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<sup>20</sup> I am indebted for data to Rev. B. P. Jaco.

<sup>21</sup> Maj. Pat Henry, 14th Miss. Regt., has kindly furnished me with the facts here given.

<sup>22</sup> For these interesting and pathetic facts I am indebted to Hon. Oliver B. Triplett.

## TIPPAH COUNTY.

There is no separate Confederate cemetery in Tippah county; but Confederate soldiers were buried in the general cemetery at Ripley. Their graves receive the same attention those of citizens. Six or eight of these soldiers were killed in the battle of Corinth, in November, 1862; eight or ten others were killed in the battle Forrest had at Ripley with Sturgis after the battle of Brice's Cross Roads. The soldiers buried here were from Arkansas, Texas, Missouri, Tennessee and South Carolina. No name is preserved except that of Lieutenant Cox, of Missouri.<sup>23</sup>

## TISHOMINGO COUNTY.

This county, mainly through the pious and patriotic efforts of the Jno. Marshall Stone Chapter of the United Daughters of the Confederacy and the Christian citizens of Iuka, has nobly done its duty towards the Confederate dead.

There is a well inclosed, well kept Confederate cemetery, in which rest three hundred Confederate soldiers. The names of individuals are not known; one hundred fifty of these brave, dutiful men were Texans, one hundred of them Missourians, and about fifty of them Arkansians. They were members of General Price's army, and nearly all of them were killed in the battle at Iuka. An appropriate Confederate monument attests the nobility of heart and the fidelity to truth of these good citizens. Of them it may truly be said: "Well done."<sup>24</sup>

## UNION COUNTY.

The following brief, but interesting letter from Dr. S. A. Gasaway, tells the story for Union county:

"We have no cemetery exclusively for Confederates. All of our comrades who died at home or who were brought home were buried in the family graveyards. We have one monument, four miles south of New Albany, built by Mr. S. K. Wilkins in memory of his four brothers who were killed in the Virginia Army. This is a neat monument, which together with the iron fence enclosing it, (about one-eighth of an acre) cost about \$800. None of the brothers, however, are buried here. But the inclosure is kept as a family burying ground. Some friends are also buried here. It is well kept."

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<sup>23</sup> For the above interesting facts I am indebted to Doctor John Y. Murry, of Ripley.

<sup>24</sup> These facts have been kindly furnished me by Mrs. Elsie McKnight, Past U. D. C. and by Mr. A. B. Patterson, D. C.



## WARREN COUNTY.

There is a well kept, enclosed Confederate cemetery, two miles northeast of the city of Vicksburg. In it are buried a large, but unknown number of Confederate soldiers. They were from the army of General Pemberton, and were killed or died during the siege of Vicksburg, in 1863. This cemetery is under the care of the Ladies' Memorial Association, which has erected on the ground an appropriate monument.<sup>25</sup>

## WILKINSON COUNTY.

There is a Confederate cemetery in the town of Woodville, half a mile south of the county courthouse. It is enclosed and well kept, covering about one-fourth of an acre. In the center of it stands a monument which cost \$950.00. This monument was purchased by the Ladies' Memorial Association which raised the funds by entertainments and subscriptions. For years this cemetery was under the care of the Ladies' Memorial Association, Mrs. D. C. Bramlette, President. The graves are mounded and turfed, and each of them has a head and foot board. The cemetery is a clean, beautiful, well shaded spot. It is now cared for by Hon. W. C. Miller, Mayor, and other city officers. Three of the dead fell in the battle of McGehee bridge, two miles south of Woodville. Jno. Raland, of 4 La., was one of them. The others died from sickness in the hospital in 1863-4 with the exception of Capt. W. P. McNeilly<sup>26</sup> and Jno. P. Delaney.

A list of the soldiers buried in the Woodville cemetery will be found in Appendix D.

## YALOBUSHA COUNTY.

Although there is no separate Confederate cemetery in this county, many Confederate soldiers were buried in the Citizens' cemeteries at Water Valley and at Coffeeville, and others were buried in various places.

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<sup>25</sup> Credit for information is given to Hon. R. V. Booth.

<sup>26</sup> Capt. W. P. McNeilly was a brother of Hon. Seymour McNeilly, editor of the *Vicksburg Herald*.

The cemeteries at the two towns mentioned are neatly kept. No soldiers' monument has been erected.<sup>27</sup>

#### SUMMARY.

The reports given above are not in all cases accurate; a few cemeteries have not been reported. I received no estimate of the number buried in the cemetery near Vicksburg; but taking the data I have and making the best estimate I can of some cemeteries, the number of Confederate soldiers buried in Mississippi during the the war foots up 9,001. This does not include the soldiers buried on battle fields, of which there is no record.

Though a few of these cemeteries are strangely neglected, I am proud to report that they are generally kept with tender and patriotic devotion.

These reports show that there are in the State eighteen Confederate monuments.

#### APPENDIX A.

##### A LIST OF THE KNOWN DEAD BURIED IN THE OKOLONA CONFEDERATE CEMETERY.

###### *Alabama's Known Dead.*

James Gribon, .....	Co. F,	5th	Alabama	Battalion.
H. Wear, .....	Co. A,	5th	Alabama	Regiment.
Columbus A. Burks, .....		5th	Alabama	Battalion.
John D. Carr, .....		18th	Alabama	Regt. Pickens Co.
Lieut. Williams, .....		18th	Alabama	Regiment.
J. T. Burr, .....			Alabama	Regiment.
M. M. Wilson, .....	Co. H,	....	Alabama	Regiment.
A. K. McPhail, .....	Co. F,	26th	Alabama	Regiment.
M. F. Murdoch, .....	Co. C,	11th	Alabama	Regiment.
W. D. Moore, .....	Co. G,	25th	Alabama	Regiment.
W. F. Bates, .....		18th	Alabama	Regiment.
J. H. Priest, .....	Co. K,	27th	Alabama	Regiment.
T. N. Naley, .....	Co. A,	28th	Alabama	Regiment.
T. C. White, .....	Co. A,	28th	Alabama	Regiment.
J. Gracen, .....	Co. D,	21st	Alabama	Regiment.
R. W. Roletts, .....	(Capt. Adams)		Alabama	Battalion.
A. M. Skinner, .....	Co. K,	....	Alabama	Regiment.
A. James Bruston, .....	Co. C,	5th	Alabama	Battalion.
L. C. Mitchell, .....	Co. D,	17th	Alabama	Regiment.
J. P. ———, .....	Co. D,	33rd	Alabama	Regiment.
R. D. Johnson, .....	Co. E,	17th	Alabama	Regiment.
B. F. Bryant, .....	Co. C,	31st	Alabama	Regiment.

<sup>27</sup> The above facts are from the pen of J. D. Haile, Chancery Clerk, formerly a soldier in Co. H, 15th Miss. Reg., who mentions especially Col. D. L. Herron and Capt. P. M. Aldridge, both killed at Shiloh.

R. Busby, .....	Co. I,	18th	Alabama	Regiment.
J. F. Michael, .....	Co. F,	22nd	Alabama	Regiment.
W. M. Halucask, .....	Co. I,	31st	Alabama	Regiment.
J. Howard, .....	Co. A,	19th	Alabama	Regiment.
J. N. Mapers, .....	Co. A,	18th	Alabama	Regiment.
F. M. Berry, .....	Co. I,	17th	Alabama	Regiment.
G. W. Lowe, .....	Co. I,	33rd	Alabama	Regiment.
B. M. Rogers, .....	Co. C,	17th	Alabama	Regiment.
A. Chadrick, .....	Co. C,	17th	Alabama	Regiment.
T. Grace, .....	Co. C,	1st	Alabama	Regiment.
Samuel Turner, .....	Co. K,	18th	Alabama	Regiment.
S. Bynum, .....	Co. I,	31st	Alabama	Regiment.
J. B. Cooper, .....	Co. G,	18th	Alabama	Regiment.
J. Moore, .....	Co. C,	18th	Alabama	Regiment.
T. J. Right, .....	.....	25th	Alabama	Regiment.
J. E. Moore, .....	Co. I,	24th	Alabama	Regiment.
J. G. Franklin, .....	Co. B,	18th	Alabama	Regiment.
H. W. Williamson, .....	Co. G,	17th	Alabama	Regiment.
William Smallwood, .....	Co. K,	26th	Alabama	Regiment.
G. W. Nugent, .....	Co. I,	29th	Alabama	Regiment.
Charles Brandon, .....	Co. A,	18th	Alabama	Regiment.
J. N. T——, .....	Co. F,	22nd	Alabama	Regiment.
A. Sherer, .....	Co. F,	24th	Alabama	Regiment.
R. C. Fountain, .....	Co. H,	17th	Alabama	Regiment.
J. J. James, .....	Co. G,	18th	Alabama	Regiment.
T. L. Rogers, .....	Co. H,	28th	Alabama	Regiment.
G. W. McCullough, .....	Co. K,	28th	Alabama	Regiment.
W. Alkin, .....	Co. A,	24th	Alabama	Regiment.
J. W. Gilmore, .....	Co. I,	17th	Alabama	Regiment.
W. H. Rodgers, .....	Co. E,	31st	Alabama	Regiment.
W. Johnson, .....	Co. H,	18th	Alabama	Regiment.
Dr. W. R. McKinzie, Capt., .....	Co. B,	19th	Alabama	Regiment.
Lieut. T. J. Haney, .....	Co. H,	25th	Alabama	Regiment.
E. F. Worthum, .....	Co. D,	29th	Alabama	Regiment.
J. B. S——, .....	Co. B,	28th	Alabama	Regiment.
F. M. Joy, .....	Co. I,	....	Alabama	Regiment.
J. M. ———, .....	Co. C,	24th	Alabama	Regiment.
—— T. ———, .....	Co. E,	25th	Alabama	Regiment.
A. R. Helms, .....	Co. F,	24th	Alabama	Regiment.
J. A. F——, .....	Co. F,	25th	Alabama	Regiment.
L. T. Shuts, .....	Co. H,	17th	Alabama	Regiment.
G. W. Baker, .....	Co. A,	18th	Alabama	Regiment.
J. Bookback, .....	Co. A,	24th	Alabama	Regiment.
W. F. Shepard, .....	Co. K,	17th	Alabama	Regiment.
F. T. Cagle, .....	.....	17th	Alabama	Regiment.
H. Gurley, .....	Co. I,	39th	Alabama	Regiment.
R. Blake, .....	Co. F,	22nd	Alabama	Regiment.
W. M. ———, .....	Co. B,	24th	Alabama	Regiment.
R. Hix, .....	Co. G,	39th	Alabama	Regiment.
N. Culpepper, .....	Co. F,	39th	Alabama	Regiment.
Joe Wallis, .....	Co. F,	39th	Alabama	Regiment.
R. A. Bolten, .....	Co. A,	39th	Alabama	Regiment.
B. T. Rush, .....	Co. H,	39th	Alabama	Regiment.
J. D. Perry, .....	Co. K,	28th	Alabama	Regiment.
J. M. Tankey, .....	Co. F,	16th	Alabama	Regiment.
S. M. C——, .....	Co. D,	16th	Alabama	Regiment.
J. Whittington, .....	Co. I,	22nd	Alabama	Regiment.
J. C. Johnston, .....	Co. G,	28th	Alabama	Regiment.
S. F. Parham, .....	Co. A,	19th	Alabama	Regiment.



———— Bowers, .....	Co. I,	24th Alabama Regiment.
John Turner, .....	Co. I,	39th Alabama Regiment.
A. T. Baggett, .....	Co. F,	24th Alabama Regiment.
J. M. Dumas, .....	Co. A,	18th Alabama Regiment.
W. M. Elenton, .....	Co. C,	18th Alabama Regiment.
Charles Lard, .....	Co. I,	29th Alabama Regiment.
Joseph Hais, .....	Co. F,	18th Alabama Regiment.
Joseph Downs, .....	Co. D,	28th Alabama Regiment.
Daniel McGan, .....	Co. A,	28th Alabama Regiment.
J. J. Anderson, .....	Co. G,	24th Alabama Regiment.
D. M. Sheham, .....	Co. C,	39th Alabama Regiment.
G. Jackson, .....	Co. B,	39th Alabama Regiment.
G. W. Dean, .....	Co. C,	45th Alabama Regiment.
J. M. Adams, .....	Co. C,	45th Alabama Regiment.
S. Kills, .....	.....	16th Alabama Regiment.
J. Rhodes, .....	Co. C,	22nd Alabama Regiment.
W. J. Wiggins, .....	Co. F,	22nd Alabama Regiment.
J. Hartsel, .....	Co. B,	31st Alabama Regiment.
W. W. Berris, .....	Co. F,	26th Alabama Regiment.
G. Crosswell, .....	Co. D,	28th Alabama Regiment.
J. Massingo, .....	Co. A,	28th Alabama Regiment.
W. Donelson, .....	Co. F,	22nd Alabama Regiment.
J. B. Beasley, .....	Co. F,	37th Alabama Regiment.
G. H. Maxhill, .....	Co. D,	37th Alabama Regiment.
———— Smith, .....	Co. F,	37th Alabama Regiment.
H. C. Worthy, .....	Co. B,	37th Alabama Regiment.
T. Vickers, .....	Co. F,	37th Alabama Regiment.
J. N. Wright, .....	Co. H,	37th Alabama Regiment.
F. Pollard, .....	Co. K,	22nd Alabama Regiment.
H. K. Lindsey, .....	Co. F,	22nd Alabama Regiment.
G. W. Douglas, .....	Co. D,	21st Alabama Regiment.
J. M. Birchem, .....	Co. D,	6th Alabama Regiment.
J. W. Graham, .....	Co. G,	2nd Alabama Regiment.
W. H. Steadman, .....	.....	Baldwin county, Alabama.

*Florida's Known Dead.*

J. F. Glacen, .....	Co. D,	3rd Florida Regiment.
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*Georgia's Known Dead.*

Joseph Dunlap, .....	Co. K,	4th Georgia Regiment, Vol.
T. Waller, .....	Co. K,	5th Georgia Regiment.
William Farr, .....	Co. A,	..... Georgia Artillery.
L. M. Lawrence, .....	.....	Washington county, Ga.
B. L. Trawick, .....	Co. H,	5th Georgia Regiment.

*Kentucky's Known Dead.*

H. C. Allen, .....	Co. E,	5th Kentucky Regiment.
W. E. Ashby, .....	Co. F,	5th Kentucky Regiment.
W. Jordon, .....	.....	5th Kentucky Regiment.
C. C. Tinsle, .....	(Capt. Coffris)	3rd Kentucky Artillery.
J. N. Walker, .....	Co. I,	3rd Kentucky Regiment.
W. Miller, .....	Co. F,	5th Kentucky Regiment.
J. Clark, .....	Co. G,	1st Kentucky Cavalary.
E. L. Roper, (killed Feb. 22, 1864),	Co. C,	Falkner's 1st Rangers.
L. Malone, .....	Duke's	Kentucky Regiment, Morgan's Cavalry.

W. J. Yandell, 3rd Lieut., ..... Co. E, Falkner's Cavalry, killed Feb.  
22, 1864.  
S. M. Clurny, ..... Co. A, 1st Kentucky Regiment.  
T. J. Ray, ..... Co. F, 1st Kentucky or Tennessee  
Cavalry.

*Louisiana's Known Dead.*

G. B. Crow, .....	Co. B, 25th	Louisiana Regiment.
W. R. Newcomer, .....	Co. B, 25th	Louisiana Regiment.
G. R. Harrell, .....	Co. D, 25th	Louisiana Regiment.
W. L. Walton, .....	Co. B, 25th	Louisiana Regiment.
J. R. Williams, .....	Co. H, 25th	Louisiana Regiment.
T. J. Lilly, .....	Co. B, 25th	Louisiana Regiment.
W. A. Littleton, .....		Washington's Artillery, La.
W. Freel, .....	Co. B, 25th	Louisiana Regiment.
C. R. Plummer, .....	Co. E, 25th	Louisiana Regiment.
B. F. Faller, .....	Co. A, ....	Louisiana Cavalry.
J. S. Sherart, .....	25th	Louisiana Regiment.
James Portor, .....	Co. B, 25th	Louisiana Regiment.
Thomas Wilson, .....	Co. K, 25th	Louisiana Regiment.
N. Quinn, .....	Co. F, 25th	Louisiana Regiment.
H. Evans, .....	Co. F, 25th	Louisiana Regiment.
Monro Carter, .....	25th	Louisiana Regiment.
S. F. Askew, .....	Co. B, 25th	Louisiana Regiment.
James W. Adams, .....	Co. D, 25th	Louisiana Regiment.
Lieut. F. R. Srim, .....	Co. B, 25th	Louisiana Regiment.
W. B. Crow, .....	25th	Louisiana Regiment.
A. C. Jeffis, .....	10th	Louisiana Regiment.
M. A. White, .....	Co. H, 19th	Louisiana Regiment.
J. E. Thomas, .....	Co. I, 25th	Louisiana Regiment.
J. M. Bowden, .....	Co. H, 25th	Louisiana Regiment.
—theral, .....	Co. F, 25th	Louisiana Regiment.
R. M. Morris, .....		Louisiana Cavalry.
J. L. Moore, .....	Co. E, 25th	Louisiana Regiment.
J. Teat, .....	Co. D, 25th	Louisiana Regiment.
J. Bender, .....	21st	Louisiana Regiment.
A. Sloan, .....	Co. C, 25th	Louisiana Regiment.
J. M. Marsh, .....	Co. G, 25th	Louisiana Regiment.
W. W. Wilson, .....	Co. F, 25th	Louisiana Regiment.
James Johnson, .....	Co. K, 18th	Louisiana Regiment.
Wm. Morton, .....	Co. K, 20th	Louisiana Regiment.
J. D. —, .....	Co. C, 25th	Louisiana Regiment.
W. O. Freeman, .....	Co. C, 25th	Louisiana Regiment.
L. C. Davis, .....	Co. A, 18th	Louisiana Regiment.
Thom. Golding, .....	Co. G, 19th	Louisiana Regiment.
William Nelson, .....		La. Lenden Rangers.
S. Earnest, .....	Co. F, 13th	Louisiana Regiment.
J. Lanier, .....	Co. K, 18th	Louisiana Regiment.
John Baker, .....	Co. B, 11th	Louisiana Regiment.
F. Purbon, .....	Co. A, 13th	Louisiana Regiment.
L. Day, .....	Co. E, 16th	Louisiana Regiment.
Wm. Jones, .....	Co. I, 13th	Louisiana Regiment.
C. G. Frein, .....	Co. C, 19th	Louisiana Regiment.
W. G. Henden, .....	Co. C, 16th	Louisiana Regiment.
J. E. Doss, .....	Co. K, 25th	Louisiana Regiment.
B. F. Johnson, .....	Co. A, 16th	Louisiana Regiment.
T. J. Williams, .....	Co. A, 16th	Louisiana Regiment.
J. W. Baits, .....	Co. C, 19th	Louisiana Regiment.

W. Lattersall, .....	Co. K,	20th	Louisiana	Regiment.
B. Deall, .....	Co. A,	18th	Louisiana	Regiment.
C. Meadows, .....	Co. B,	3rd	Louisiana	Regiment.
C. B. Kennedy, .....	Co. D,	25th	Louisiana	Regiment.
A. J. Bailly, .....	Co. A,	25th	Louisiana	Regiment.
T. F. Williams, .....	Co. A,	16th	Louisiana	Regiment.

*Arkansas' Known Dead.*

J. E. Hanan, .....	Co. F,	1st	Arkansas	Cavalry.
R. W. Rolett, .....	Capt.	Adams'	Arkansas	Battalion.
J. M. Newcomer, .....	Co. B,	Arkansas	Artillery,	23rd Regiment.
J. Day, .....	Co. A,	Arkansas	Artillery.	
R. S. Barton, .....	Co. H,	17th	Arkansas	Regiment.
Edmond Farsha, .....	Co. H,	Adams	Battalion.	
J. M. Hamilton, .....	Co. B,	16th	Arkansas	Regiment.
E. Parsons, .....	Co. D,	20th	Arkansas	Regiment.
R. D. Hudson, .....	Co. D,	1st	Arkansas	Regiment.
M. A. Hedge peth, .....	Co. C,	14th	Arkansas	Regiment.
J. A. Douglas, .....	Co. C,	14th	Arkansas	Regiment.
W. A. Davis, .....	Co. D,	17th	Arkansas	Regiment.
H. H. Tripp, .....	Co. I,	17th	Arkansas	Regiment.
J. G. Brine, .....	Co. F,	3rd	Arkansas	Regiment.
—Thompson, .....	Co. E,	5th	Arkansas	Regiment.
P. P. Smithson, .....	Co. E,	5th	Arkansas	Regiment.
Rev. James G. Hagood, Chaplain, .....	Co. H,	Hobbs	Arkansas	Regiment.
G. W. Howard, .....	Co. H,	4th	Arkansas	Regiment.
L. L. Nohls, .....	Co. H,	2nd	Arkansas	Regiment.
F. F. Jeffis, .....	Co. K,	9th	Arkansas	Regiment.
C. Engram, .....	Co. K,	9th	Arkansas	Regiment.
B. B. Black, Chaplain, .....		3rd	Arkansas	Regiment.
J. A. McAdo, .....	Co. C,	3rd	Arkansas	Regiment.
W. B. Fryer, .....	Co. C,	1st	Arkansas	Regiment.
R. J. Webster, .....	Co. B,	16th	Arkansas	Regiment.
W. D. Friar, .....	Co. I,	1st	Arkansas	Regiment.
C. M. Whitlock, .....	Co. E,	1st	Arkansas	Regiment.
William Short, .....	Co. H,	1st	Arkansas	Regiment.
J. Barkla, .....	Co. I,	2nd	Arkansas	Regiment.
W. Young, .....	Co. D,	5th	Arkansas	Regiment.
J. A. Milton, .....	Co. D,	5th	Arkansas	Regiment.
Wm. Sharps, .....	Co. C,	3rd	Arkansas	Regiment.
A. H. Hagnes, .....	Co. E,	4th	Arkansas	Regiment.
H. Barton, .....	Co. C,	3rd	Arkansas	Regiment.
Lieut. L. Hendrickson, .....	Co. G,	McRay's	Arkansas	Regiment.
T. A. Talbert, .....	Co. A,	1st	Arkansas	Regiment.
W. E. Moore, .....	Co. G,	20th	Arkansas	Regiment.
A. C. Jenkins, .....	Co. H,	20th	Arkansas	Regiment.
John Morgan, .....	Co. A,	Tunball's	Arkansas	Regiment.
L. A. Crabtree, .....	Co. G,	28th	Arkansas	Regiment.
T. Norris, .....	Co. A,	17th	Arkansas	Regiment.
J. Tangle, .....	Co. A,	4th	Arkansas	Regiment.
A. J. Jackson, .....	Co. B,	18th	Arkansas	Regiment.
J. C. O—ny, .....	Co. C,	Cavalry.		
John Holloway, .....	Co. D,	3rd	Arkansas	Regiment.
C. H. Cox, .....	Co. E,	16th	Arkansas	Regiment.
J. A. Gathen, .....	Co. E,	4th	Arkansas	Regiment.
R. W. Thompson, .....	Co. I,	1st	Arkansas	Regiment.
G. J. Bowls, .....	Co. A,	18th	Arkansas	Regiment.



J. T. Paninan, .....	Co. K,	1st Arkansas Regiment.
N. Albright, .....	Co. C,	Adams' Regiment.
A. C. Latham, .....	Co. C,	20th Arkansas Regiment.
R. D. Turner, .....	Co. E,	Adams' Regiment.
B. M. Williams, .....	Co. C,	18th Arkansas Regiment.
W. E. Pickett, .....	Co. B,	18th Arkansas Regiment.
J. H. B——, .....	Co. F,	20th Arkansas Regiment.
J. Johnson, .....	Co. H,	Adams' Arkansas Regiment.
B. Upchurch, .....	Co. C,	31st Arkansas Regiment.
T. J. Hawkins, .....	Co. K,	Adams' Arkansas Regiment.
A. W. L. Miller, .....		32nd Arkansas Regiment.
J. G. Greenhaw, .....	Co. K,	Adams' Arkansas Regiment.
J. B. Taylor, .....	Co. B,	18th Arkansas Regiment.
W. M. Hipps, .....	Co. D,	Hobbs' Arkansas Regiment.
W. A. Russell, .....	Co. E,	Adams' Arkansas Regiment.
W. W. Rag, .....	Co. C,	Adams' Arkansas Regiment.
J. M. S——, .....		1st Arkansas Regiment.
B. B——n, .....	Co. B,	Adams' Arkansas Regiment.
C. N. Wood, .....	Co. D,	Jones' Arkansas Regiment.
W. H. Darden, .....	Co. F,	21st Arkansas Regiment.
A. Harlly, .....	Co. K,	21st Arkansas Regiment.
J. P. Hughes, .....	Co. H,	45th Arkansas Regiment.
J. Tindall, .....	Co. I,	19th Arkansas Regiment.
A. S. Masen, .....	Co. I,	3rd Cavalry.
R. D. Clanton, .....	Co. F,	20th Arkansas Regiment.
J. Johnson, .....	Co. D,	21st Arkansas Regiment.
J. R. McCarty, .....	Co. H,	21st Arkansas Regiment.
J. H. Newrick, .....	Co. C,	20th Arkansas Regiment.
A. Harrel, .....	Co. G,	3rd Arkansas Cavalry.
E. J. Rodgers, .....	Co. K,	20th Arkansas Regiment.
J. B. Hightower, .....	Co. K,	21st Arkansas Regiment.
W. C. Morrison, .....	Co. K,	21st Arkansas Regiment.
T. J. Williamson, .....	Co. E,	3rd Arkansas Regiment.
J. A Ford, .....	Co. G,	3rd Arkansas Regiment.
T. D. Wilson, .....	Co. H,	3rd Arkansas Regiment.
M. M. Overton, .....	Co. K,	21st Arkansas Regiment.
C. Clardy, .....	Co. B,	20th Arkansas Regiment.
J. Murdock, .....	Co. H,	18th Arkansas Regiment.
R. Ball, .....	Co. D,	21st Arkansas Regiment.
J. Wardlaw, .....	Co. A,	Hobson's Arkansas Regiment.
B. F. Hawkins, .....	Co. A,	1st Arkansas Regiment.
W. A. Short, .....	Co. E,	19th Arkansas Regiment.
H. D. Powers, .....	Co. E,	3rd Arkansas Regiment.
J. Ramson, .....	Co. A,	15th Arkansas Regiment.
T. J. Hightower, .....	Co. K,	21st Arkansas Regiment.
W. J. Garner, .....	Co. I,	1st Arkansas Regiment.
J. R. F——, .....	Co. C,	21st Arkansas Regiment.
J. C. Barns, .....	Co. K,	5th Arkansas Regiment.
J. E. Williams, .....	Co. E,	21st Arkansas Regiment.
J. Stiles, .....	Co. D,	20th Arkansas Regiment.
M. See, .....	Co. B,	18th Arkansas Regiment.
J. W. Nolley, .....	Co. G,	19th Arkansas Regiment.

*Missouri's Known Dead.*

W. F. Spillman, .....	Co. C,	4th Missouri Regiment.
Thomas Jones, .....	Co. D,	2nd Missouri Regiment.
W. W. Morgan, .....	Co. H,	2nd Missouri Regiment.
R. E. Sharp, .....	Co. D,	1st Missouri Regiment.

W. Sneed, .....	Co. H,	1st	Battalion Cavalry.
B. F. Redwine, .....	Co. K,	6th	Missouri Regiment.
A. B. Smallwood, .....	Co. G,	2nd	Missouri Cavalry.

*Texas' Known Dead.*

W. S. Westbrook, .....	Co. H,	2nd	Texas Regiment Vol.
D. White, .....	Co. A,	24th	Texas Regiment.
S. M. Bates, .....	Co. K,	1st	Texas Regiment.
J. B. or J. C. Latimer, .....		4th	Texas Cavalry.
J. S. Mitchell, .....		14th	Texas Regiment.
J. A. Brunson, .....	Co. E,	....	Texas Cavalry.
F. M. McCorkle, .....	Co. E,	2nd	Texas Regiment.
R. Braze, .....			
W. F. Everett, .....	Co. K,	1st	Texas Regiment.
E. C. Beall, .....	Co. H,	14th	Texas Regiment.
J. Tubb, .....		11th	Texas Regiment.
J. M. Taylor, .....	Co. K,	1st	Texas Regiment.
W. H. McGary, .....	Co. G,	2nd	Texas Regiment.
John Ryan, .....	Co. G,	2nd	Texas Regiment.
F. McAlister, .....	Co. E,	4th	Texas Regiment.
Archie B——, .....		30th or 35th	Texas Regiment.
H. A. Barns, .....	Co. H,	2nd	Texas Regiment.
F. Wissles, .....	Co. F,	2nd	Texas Regiment.
B. Doyle, .....	Co. E,	14th	Texas Regiment.
J. M. Teal, .....	Co. A,	2nd	Texas Regiment.
R. G. Maxwell, .....	Co. D,	1st	Texas Regiment.
W. Wilson, .....	Co. B,	14th	Texas Regiment.
S. H. Davis, .....	Co. G,	10th	Texas Regiment.
J. D. Muir, .....	Co. A,	10th	Texas Regiment.
Wallace M. Caldwell, .....	Co. C,	3rd	Texas Regiment.
W. J. Mullins, .....		14th	Texas Regiment.
J. B. H——, .....	Co. H,	2nd	Texas Regiment.
A. B. Watson, .....	Co. G,	10th	Texas Regiment.
W. H. Haffine, .....	Co. D,	9th	Texas Regiment.
T. G. Todd, .....	Co. A,	2nd	Texas Regiment.
S. Wortham, .....		Crump's Battalion	Texas Volunteers.
Wm. Trigg or Trise, .....		2nd	Texas Regiment.
R. W. Lawson, .....			Texas Rangers.
J. C. Rosser, .....	Co. K,	11th	Texas Regiment.
J——ey, .....		2nd	Texas Regiment.
G. Fry, .....	Co. H,	2nd	Texas Regiment.
E. Wright, .....			Crump's Texas Battalion.
J. S. Alen, .....	Co. K	9th	Texas Cavalry.
J. P. Dodson, .....	Co. A,	9th	Texas Regiment.
T. Watson, .....		2nd	Texas Regiment.
H. G. Gibson, .....	Co. F,	9th	Texas Regiment.
J. M. Beck, .....	Co. C,	6th	Texas Regiment.
J. Lynn, .....	Co. C,	14th	Texas Regiment.
N. W. Bradshaw, .....	Co. I,	19th	Texas Regiment.
C. A. Rosborough, .....	Co. H,	6th	Texas Cavalry.
M. B——, .....	Co. H,		Whitfield's Legion.
J. A. Brooks, .....	Co. A,	2nd	Texas Regiment.
M. Davis, .....	Co. C,	1st	Texas Regiment.
J. C. Copeland, 2nd Lieut., .....	Co. F,	9th	Texas Cavalry.

*Tennessee's Known Dead.*

J. F. Little, .....	Co. E,	12th	Tennessee Regiment.
J. Walkup, .....	Co. F,	5th	Tennessee Regiment.
J. Harrel, .....	Co. F,	28th	Tennessee Regiment.

J. M. Harper, .....	Co. E,	15th	Tennessee	Regiment.
G. B. Angel, .....	Co. E,	29th	Tennessee	Regiment.
H. Carlisle, .....	Co. F,	45th	Tennessee	Regiment.
Wm. F. Riley, .....	Co. E,	15th	Tennessee	Regiment.
G. R. Nelson, .....	Co. C,	2nd	Tennessee	Regiment.
J. M. Barleam, .....	Co. E,	4th	Tennessee	Regiment.
A. H. Kent, .....	Co. I,	25th	Tennessee	Regiment.
Samuel Bunis, .....	Co. C,	27th	Tennessee	Regiment.
J. G. Hargrove, .....	Co. A,	27th	Tennessee	Regiment.
S. F. Smith, .....	Co. C,	23rd	Tennessee	Regiment.
J. S. Minig, .....	Co. H,	44th	Tennessee	Regiment.
J. F——, .....	Co. H,	44th	Tennessee	Regiment.
J. J. Thompson, .....	Co. H,	27th	Tennessee	Regiment.
G. Smith, .....	Co. K,	29th	Tennessee	Regiment.
A. Hurst, .....	Co. B,	37th	Tennessee	Regiment.
G. W. Morris, .....	Co. A,	25th	Tennessee	Regiment.
John Donnel, .....	Co. B,	16th	Tennessee	Regiment.
J. Tate, .....	Co. G,	29th	Tennessee	Regiment.
A. J. B——, .....	Co. K,	2nd	Tennessee	Regiment.
Thom. Killian, .....	Horton's			Tennessee Battalion.
E. H. Read, .....	Co. G,	25th	Tennessee	Regiment.
B. F. Lyon, .....	Co. E,	44th	Tennessee	Regiment.
James Parrot, .....	Co. A,	28th	Tennessee	Regiment.
E. Berry, .....	Co. K,	11th	Tennessee	Regiment.
J. Sullivan, .....	Co. K,	16th	Tennessee	Regiment.
T. Graham, .....	Co. F,	1st	Tennessee	Cavalry.
T. T. Coleman, .....	Co. G,	7th	Tennessee	Cavalry.
L. A. Tucker, .....	Co. G,	15th	Tennessee	Cavalry.
T. J. Ray, .....	Co. F,	1st	Ky. and Tenn.	Cavalry.
W. Field, .....	Co. L,	12th	Tennessee	Cavalry.
H. P. Willis, .....	Co. L,	7th	Tennessee	Cavalry.

*South Carolina's Known Dead.*

R. F. Keels, .....	Co. E,	19th	South	Carolina	Regiment.
A. Cook, .....	Co. H,	10th	South	Carolina	Regiment.
M. Carter, .....	Co. H,	10th	South	Carolina	Regiment.
W. A. Hughes, .....	Co. I,	10th	South	Carolina	Regiment.
D. F. Fenter, .....	Co. E,	10th	South	Carolina	Regiment.
J. O. P. Harg, .....	Co. E,	10th	South	Carolina	Regiment.
G. B. Barker, .....	Co. H,	10th	South	Carolina	Regiment.
D. Bunch, .....	Co. K,	10th	South	Carolina	Regiment.
J. M. Lacy, .....	Co. H,	10th	South	Carolina	Regiment.
J. Edmonds, .....	Co. C,	10th	South	Carolina	Regiment.
J. Mabry, .....	Co. H,	19th	South	Carolina	Regiment.

*Mississippi's Known Dead.*

P. Brown, .....	Co. G,	5th	Mississippi	Regiment.
Wm. P. Richardson, .....	Co. H,	24th	Mississippi	Regiment.
R. F. Russell, .....	Co. C,	29th	Mississippi	Regiment.
J. R. McConel, .....	Co. K,	5th	Mississippi	Regiment.
J. Gowen, .....	Co. A,	33rd	Mississippi	Regiment.
J. S. Miller, .....	Co. L,	24th	Mississippi	Regiment.
H. Oleary, .....	Co. I,	5th	Mississippi	Regiment.
E. Slade, .....	Co. I,	38th	Mississippi	Regiment.
W. G. Smith, .....	Co. K,	38th	Mississippi	Regiment.
J. R. Smith, .....	Co. K,	38th	Mississippi	Regiment.
F. C. Clarke, .....	Co. K,	38th	Mississippi	Regiment.
S. Perry, .....	Co. D,	38th	Mississippi	Regiment.



W. H. Carlile, .....	Co. D,	38th	Mississippi	Regiment.
A. Clarence, .....	Co. E,	38th	Mississippi	Regiment.
L. J. Barrott, .....	Co. B,	5th	Mississippi	Regiment.
W. Lyles, .....	Co. D,	38th	Mississippi	Regiment.
J. R. Ward, .....	Co. C,	38th	Mississippi	Regiment.
P. E. Boyd, .....		38th	Mississippi	Regiment.
R. B. G——, .....		29th	Mississippi	Regiment.
Lient. Jas. B. S——, .....		38th	Mississippi	Regiment.
A. H. Moore, .....	Co. I,	35th	Mississippi	Regiment.
J. Perry, .....	Co. B,	38th	Mississippi	Regiment.
S. McClenden, .....	Co. F,	38th	Mississippi	Regiment.
G. H. Scudder, .....	Co. D,	38th	Mississippi	Regiment.
T. J. S——, .....	Co. D,	38th	Mississippi	Regiment.
J. N. C., .....		37th	Mississippi	Regiment.
C. P. Haynes, .....	Co. D,	38th	Mississippi	Regiment.
A. G——, .....	Co. K,	38th	Mississippi	Regiment.
Louis Boyd, .....	Co. K,	38th	Mississippi	Regiment.
S. Parker, .....	Co. B,	Blythe's	Mississippi	Regiment.
B. F. Reed, .....	Co. D,	45th	Mississippi	Regiment.
Wm. Fisher, .....	Co. A,	30th	Mississippi	Regiment.
Newton Boyd, .....	Co. I,	38th	Mississippi	Regiment.
B. F. White, .....	Co. D,	42nd	Mississippi	Regiment.
C. A. Williams, .....	Co. K,	9th	Mississippi	Regiment.
W. H. Houston, .....	Co. C,	29th	Mississippi	Regiment.
Joseph Miller, .....	Co. D,	43rd	Mississippi	Regiment.
H. E. Mifey, .....	Co. E,	33rd	Mississippi	Regiment.
W. B. Fuls, .....	Co. C,	27th	Mississippi	Regiment.
T. B. Boyce, .....	Co. B,	29th	Mississippi	Regiment.
J. H. Hill, .....	Co. D,	32nd	Mississippi	Regiment.
R. A. Randall, .....	Co. B,	25th	Mississippi	Regiment.
J. C. Lana, .....	Co. E,	28th	Mississippi	Regiment.
G. M. Hedgepeth, .....	Co. K,	32nd	Mississippi	Regiment.
T. D. Mayes, .....	Co. D,	32nd	Mississippi	Regiment.
R. S. Kittril, .....	Co. E,	27th	Mississippi	Regiment.
C. C. Rollins, .....	Co. K,	38th	Mississippi	Regiment.
W. Williams, .....	Co. G,	7th	Mississippi	Regiment.
S. J. Hollis, .....	Co. F,	37th	Mississippi	Regiment.
J. W. Ward, .....	Co. E,	38th	Mississippi	Regiment.
H. H. H——, .....	Co. K,	32nd	Mississippi	Regiment.
J. E. Alexander, .....	Co. H,	37th	Mississippi	Regiment.
J. Vaughn, .....	Co. C,	31st	Mississippi	Regiment.
E. V. Whitehead, .....		7th	Mississippi	Battalion.
G. W. H——, .....	Co. G,	26th	Mississippi	Regiment.
J. A. Popham, .....	Co. A,	43rd	Mississippi	Regiment.
B. Bishop, .....	Co. E,	40th	Mississippi	Regiment.
J. H. Gore, .....	Co. E,	35th	Mississippi	Regiment.
W. J. Temples, .....	Co. B,	....	Mississippi	Regiment.
F. M. Haynes, Chaplain, .....		35th	Mississippi	Regiment.
J. A. H., .....	Co. D,	36th	Mississippi	Regiment.
H. G. Sturdivant, .....	Co. K,	5th	Mississippi	Regiment.
Killed Feb. 22, 1864.				
J. T. Tindall, .....	Co. K,	12th	Mississippi	Cavalry.
H. M. Lucas, .....		5th	Mississippi	
J. T. Vaughn, .....	Co. L,	10th	Mississippi	
Samuel Simpson, .....	Co. A,	10th	Mississippi	
C. P. Rogers, .....	Co. C,	11th	Mississippi	
A. A. Esto, .....	Co. H,	24th	Mississippi	
W. W. Egg, .....	Co. D,	24th	Mississippi	
R. R——, .....	Co. D,	30th	Mississippi	

James C——, ..... Co. D, 38th Mississippi.  
 E. P. Badges, ..... Co. G, 7th Mississippi Regiment.  
 J. A. Shepard, ..... Co. A, 38th Mississippi Regiment.  
 G. P. Reynolds, ..... Col. Wirt Adams' Regiment.

*Known Dead from Unknown States.*

M. M. Carver, ..... Co. K.  
 John Adams, .....  
 James Spruce, ..... Johnson's Regiment.  
 G. W. Taylor, ..... Co. F, Battalion.  
 Lieut. Nathan Woodall, ..... Age 18 years.  
 L. W. Wicombbotham, ..... Co. C.  
 J. Dowenger, .....  
 W. F. Flatt, ..... Capt. C. W. B.'s Battalion.  
 J. M. Frensley, ..... Co. C.  
 R. Broadway, ..... Co. F, Cavalry.  
 R. D. Turner, ..... Co. E, Adams' Regiment.  
 J. M. Akobbrook, ..... Co. C, S. S. Battalion.  
 J. W. Friday, ..... Co. D, Ropley's Battalion.  
 J. S. Sellers, .....  
 C. Walker, .....  
 D. Gowan, ..... Co. H.  
 A. Gatlen, ..... Morgan's Cavalry.  
 H. D. Johnson, .....  
 W. B. Oneal, .....  
 David Schenk, .....  
 Milton Wileler, .....  
 George Reed, .....  
 G. Thompson, .....  
 W. M. Senter, .....  
 Noah Bond, .....  
 J. T. McClendon, .....  
 H. B. Jenerable, .....  
 W. T. Penny, ..... Co. R, Johnson's 1st Regiment.  
 E. G. Self, ..... 5th Battalion.  
 G. M. Phillips, ..... Co. B, Ball's Battalion Cavalry.  
 James Cox, ..... Co. A, Colbert's Battalion.  
 Edmund Fousha, ..... Co. H, Adams' Regiment.  
 L. Jordan, ..... Co. A, Battalion.  
 W. Frazier, ..... Co. C, Robertson's Regiment.  
 W. B. Hartley, ..... Co. F, 19th Regiment.  
 Capt. Pucket, (Com's'y Dpt.).... Buried in Citizens' Cemetery.

APPENDIX B.

LIST OF CONFEDERATE SOLDIERS BURIED IN THE BAPTIST CEMETERY  
 AT HERNANDO, MISS.

This list was carefully copied from the old book of the sexton, who died twenty-six years ago. The spelling and other peculiar features of the list are preserved in this copy.

1862.

April 1st—	H. D. Harris	Dockerys Com	22 Miss.	Brackenreds Div—
" 22	A. W. Verdough	Carrols	"	Vandorn "
" 23	D. Lane	Millers Bat'l	"	Arkars "
" 25	Palsons	1st Arkesers	"	" "
" 25	S. B. Clement	15	" "	" "
" 27	Rob Lesley	Jones	"	Vandorn "
" 18	J. P. Mather	1st Miss.	"	Prices "

1862				
April 19	P. G. Ethridge	1st Ala		
" 27	R. D. Slanfield	McCullough Com	Carrols	
" 29	Wm. Morrison	Imboden "	Jones Bat'ion.	
May 1st	James Ealey	Monrow "	9 Miss Bragg Comn'd	
" 2nd	John T. Murchent	Holmes Com.	Jones Bat'l	Vandorns Div.
" 6	S. B. Baty		Kings "	" "
" "	W. H. Strand		Carrols "	" "
" "	L. M. Jackson	Com. F.	Smeeds "	" "
" 9	Moses Collins			
" 10	J. M. Johnston		Jones "	" "
" 10	James a. Cone		" "	" "
" "	R. Ewing	Loves Co.	" "	" "
" 11	Will Mard	" "	" "	" "
" 12	Maron Price	Franklin Co.	" "	" "
" "	Jones Fletcher	Holmes "	" "	" "
" "	Russell Guess			
" —	J. L. Craig	Whitfields Legons		
" 13	J. E. Matting	Imboden Com.	Jones Bat'l	Vandorns Div.
" 13	J. M. Lewe	Whitfield Legon.		
" "	Will Osbourn		Jones Bat'l,	Vandorns Div.
" "	James Coker	Imbodens Com.	" "	" "
" "	J. B. Mears	Wilson Com.	" "	" "
" "	Will Winchester	Franklin Com.	" "	" "
" "	W. M. Cone	Wilson Com.	" "	" "
" 14	John Carpenter	" "	" "	" "
" "	James Gibson	Holmes "	" "	" "
" "	D. S. Restem	Smeeds	" "	" "
" "	A. J. Miller,		Jones Bat'l	" "
" 15	W. A. Longford	Love Com.	" "	" "
" 17	Wm. Deason	Burns "	Rusks Brig.	" "
" "	I. E. Ellis	Holmes Com.	" "	" "
" "	A. Hooser	Whitfield Legon.		
" 18	W. W. Weatherly	3rd, L.		Vandorns Div.
" "	R. R. Nabers	Love Com.	Jones Bat'l	" "
" "	H. Brasil	Wilsons Com.	" "	" "
" 21	P. Matthews	Texas Scouts.		
" 22	J. C. Tims	Loves Com.	Jones Bat'l,	Vandorns Div.
" "	D. S. Ward	19th Arkers.		
" 23	Wm. Roseberry	Barnes,	Jackson Brig.	
" 24	Fadrick Short		Kings "	
" "	Elisha Fletcher	Holmes Com.	Jones Bat'l.	
" 25	T. F. Denhard	Wilsons "	" "	
" "	Isach Southerland	Franklin "	" "	
" 26	E. D. Sharp	Barnes "	Rusks Brig.	
" "	George Self	" "	" "	
" "	Chas. H. Stafford	Loves "	Jones Bat'l.	
" 27	Wm. Georp	Wilsons "	" "	
" "	Robt. Andry		Carrols.	
" 30	Burrel Shaddock		McCullough Bat'l.	
June 9	Ashley Slone	Loves Com.	Jones Bat'l.	
" "	J. Hamlett	Imboden Com.	" "	
" "	W. T. Tilman	Holmes "	" "	
" 19	E. P. Holland	Com. B, 39 Miss. vol.		



## APPENDIX C.

## LIST OF SOLDIERS WHO DIED IN THE WARD OF DR. A. M. KING AT THE UNIVERSITY OF MISSISSIPPI.

B. H. Dappin, .....	Co. H,	25th Alabama.
W. J. Caldwell, .....	Co. E,	25th Alabama.
L. I. Byupa, .....	Co. E,	Blythe's Battalion.
H. H. McCullum, .....	Co. C,	Blythe's Battalion.
A. Dorman, .....	Co. B,	25th Alabama.
F. M. Jemison .....	Co. C,	33rd Tennessee.
E. T. Barber, .....	Co. H,	33rd Tennessee.
H. C. Furlow, .....	Co. D,	17th Louisiana.
H. W. Chambers, .....		Blythe's Battalion
J. R. Johnson, .....	Co. F,	5th Alabama.
S. T. Stephison, .....	Co. H,	17th Louisiana.
Jacob Winkler, .....	Co. D,	22nd Mississippi.
Henry Clay, .....	Co. A,	7th Mississippi.
John Odum Biffie, .....	Co. F,	2nd Tennessee Battalion.
Fielding T. Phillips, .....	Co. E,	1st Arkansas.
T. J. Kimes, .....	Co. E,	44th Tennessee.
James N. Noles, .....	Co. K,	2nd Arkansas.
Samuel D. Burford, .....	Co. D,	2nd Arkansas.
James Burcham, .....	Co. C,	2nd Arkansas.
W. P. Fisher, .....	Co. I,	7th Kentucky.
J. W. Bankston, .....	Co. A,	3rd Missouri.
W. M. Copeland, .....	Co. E,	Forrest's Cavalry.
B. F. Farmer, .....	Co. I,	19th Louisiana.
N. B. Barry, .....	Co. E,	31st Mississippi.
Gralston C. Harmon, .....	Co. C,	17th Arkansas.
A. H. Russel, .....	Co. B,	1st Alabama Battalion.
D. Briggs, .....	Co. A,	12th Louisiana Regiment.
Thos. W. Harvey, .....	Co. K,	12th Louisiana Regiment.
G. W. Dikes, .....	Co. C,	1st Alabama Regiment.
John V. Williamson, .....	Co. D,	39th Mississippi.
R. S. Burrow, .....	Co. G,	55th Tennessee.
J. H. Smith, .....	Co. L,	33rd Mississippi.
W. H. Barr, .....	Co. D,	Tennessee Battalion Cavalry.
J. N. Vaughan, .....	Co. A,	Ward's Battalion.
John Lyon, .....	Co. D,	12th Alabama.
H. E. Hinnant, .....	Co. I,	40th Tennessee.
Wm. Culwell, .....	Co. D,	Waul's Legion.
W. T. Boulan, .....	Co. B,	Kentucky.
T. J. Minter, .....	Co. G,	3rd Missouri.
G. F. Sheffield, .....	Co. E,	3rd Louisiana.
David Burrow, .....	Co. D,	50th Tennessee.
P. L. Scarborough, .....	Co. F,	1st Battalion Wall's Legion.
H. Schuman, .....	Co. E,	2nd Battalion Wall's Leg. Inf.
A. H. Bouland, .....	Co. A,	26th Mississippi.
Merrill Nall, .....	Co. A,	37th Alabama.
W. D. McKinney, .....	Co. E,	42nd Alabama.
W. T. Reid, .....	Co. D,	42nd Alabama.
C. C. Divers, .....	Co. D,	Outlaws Battalion.
W. E. Whitehurst, .....	Co. A,	1st Arkansas Battalion.
G. S. W. Hip, .....	Co. A,	2nd Arkansas.
Chester Cook,		
A. J. Anstem, .....	Co. A,	Stewart's Artillery.
Jefferson Robbins, .....	Co. E,	19th Arkansas.
K. Salter, .....	Co. K,	42nd Alabama.

Richard Thomas, .....	Co. H, 3rd Arkansas.
W. T. Weston, .....	Co. C, 42nd Alabama.
Duplane Major, .....	Co. C, Stewart's Artillery.
Ovid Bizet, .....	Co. C, Stewart's Artillery.
John Bobillard, .....	Co. C, Stewart's Artillery.
Wm. Stillman, .....	50th Tennessee Regiment.
J. W. Allen, .....	Co. G, 41st Tennessee Regiment.
Wm. Davis, .....	Co. D, 51st Tennessee Regiment.
Frederic Gompel, .....	Co. C, 1st Battalion Waul's Legion.
O. H. Perry, .....	Co. B, Mo. 1st Brig. Lundi's Artillery.
J. Keethlev, .....	Jones' County 55th Tennessee.

## APPENDIX D.

## LIST OF SOLDIERS IN THE WOODVILLE CONFEDERATE CEMETERY.

The following names of soldiers in the Woodville Confederate Cemetery were kindly furnished by Mayor Miller, of Woodville:

1 N. H. Nichols, .....	Co. A, 27th Alabama, Feb. 3, 1863.
2 J. W. Callahan, .....	Co. E, 53rd Tennessee, Feb. 5, 1863.
3 W. A. Oglesby, .....	Co. B, 42nd Tennessee, Feb. 7, 1863.
4 A. Bozelle, .....	Miles' Legion, Feb. 14, 1863.
5 F. M. Teasley, .....	Co. G, 42nd Tennessee, Feb. 15, 1863.
6 J. L. Johnson, .....	Co. G, 42nd Tennessee, Feb. 20, 1863.
7 H. Kirkland, .....	Co. H, 42nd Tennessee, March 3, 1863.
8 Stephen Rice, .....	Co. H, 42nd Tennessee, March 11, 1863.
9 Numa Leyer, .....	Co. F, Miles' Legion, March 14, 1863.
10 Theopolis Orr, 3rd Sergeant, ..	Co. A, 11th Arkansas, March 20, 1863.
11 Aladin Vincent, .....	Co. F, Miles' Legion, March 21, 1863.
12 A. J. Hazlop, .....	Co. H, 41st Tennessee, March 22, 1863.
13 Jerry Donahue, .....	Co. D, 10th Tennessee, March 24, 1863.
14 J. I. Oden, .....	Co. K, 41st Tennessee, March 25, 1863.
15 R. L. Sorry, .....	Co. E, 6th Mississippi, Mar. 27, 1863.
16 F. M. Young, .....	Co. I, 35th Alabama, March 30, 1863.
17 Mat Finslier, .....	Co. E, Miles' Legion, April 13, 1863.
18 Wm. Cline, .....	Co. B, 13th Arkansas, April 30, 1863.
19 Jos. Langford, .....	Co. A, 27th Alabama, May 16, 1863.
20 ——— Babin, .....	Miles' Legion, June, 1863.
21 John Roland, .....	4th Louisiana, Oct. 10, 1864.
22 Capt. W. P. McNeely, .....	Co. E, 21st Mississippi, 1866.
23 John P. Delaney, .....	4th Louisiana, 1901.

There are also six unknown, who died in the hospital in 1863-4.





## THE CONFEDERATE ORPHANS' HOME OF MISSISSIPPI.

BY MISS MARY J. WELSH.<sup>1</sup>

The Confederate Orphans' Home of Mississippi was established, as its name indicates, expressly to take care of the destitute orphans of Confederate soldiers. At the end of the War between the States the number of helpless and destitute children in the South was appalling. It was felt that something must be promptly done for their relief, but how to help them most effectively was perhaps the hardest and most serious problem that confronted the Southern people in the impoverished condition of the country. Different sections attempted to solve it in different ways. This paper will contain a history of the most noteworthy effort of the people of Mississippi to meet the situation. It will be borne in mind that owing to the existing condition of the South this institution differed in many ways from every other home of the kind in Mississippi either before or since the war. It therefore stands alone in the history of orphanages in the State in respect both to its constitution and to its methods of operation.

The Mississippi Baptist State Convention during its first session after the war, in the fall of 1865, directed its attention to the needs of the orphans of the State. After earnest, prayerful deliberation it decided upon founding an institution where these unfortunate children could be gathered, cared for comfortably and educated properly, in order that they might become useful, honorable, self-reliant citizens.

### BOARD OF TRUSTEES.

To forward this work the first step was to select a board of trustees. These were gentlemen of known ability and high moral character, drawn from different sections of the State. This board was to contain a certain number of Baptists, the remainder

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<sup>1</sup> A biographical sketch of the author of this contribution will be found in the *Publications of the Mississippi Historical Society*, IV., 343.—EDITOR.

were to be of different denominations or no denomination. In their long and intimate association with the inmates of the home they proved themselves to be true, manly men, considerably courteous, strictly, but kindly just and keenly alive to the best interests of their helpless charges. "Our children," as they called them, were objects of their warmest solicitude, and all employees, by virtue of their relation to the children, received a corresponding share of this sympathetic interest. The board met at the Home regularly about every six months to discuss matters pertaining to the interest of the institution. They spent the day examining affairs, taking account of all needs and deliberating upon the best methods of supplying them. They met the inmates at table, three times, and at family worship once during each of their sessions. On these occasions one or more of them would give an encouraging, sympathetic talk. Of course the employees as well as the children kept at their usual work and were naturally "on their best behavior" for the day. I presume they felt something like a company of soldiers passing under review of their commanding general. Yet these trustees were so genial that their visit was a pleasant memory and soon became a pleasant anticipation. They reported annually to the Convention through their secretary, Rev. W. S. Webb, who always followed his report with a speech that thrilled the hearts of the audience and aroused an active, substantial interest in the cause for which he plead. Their only compensation was that which arose from a consciousness of having obeyed the Master's injunction to "do good to the poor" according to "opportunity."

The first duty that presented itself to this board was to find and secure a locality for the projected institution. A veritable one was in sight and available. The Rev. T. C. Teasdale, of Columbus, Miss., was appointed an agent to raise the necessary funds for carrying out the plans of the Convention. He soon collected, principally in the Northern and Western States, sufficient funds to purchase Lauderdale Springs, a noted watering place in antebellum days. He also secured donations of supplies, furniture, etc., sufficient to fit it up for a beginning. It required much deliberation for the trustees to decide upon an appropriate name for the proposed institution. "Asylum" was too cold, too formal; "Refuge" was suggestive of crime; "Retreat" was pleasing, *very*,

but it savored too much of leisure, if not of idleness, and this was intended to be a busy place. But "*Home*," that dear word that thrills every human heart, fully met their conception of what this place should be to its inmates. Hence the institution was named "The Confederate Orphans' Home of Mississippi," and its affairs were always administered in accordance with this idea. The locality was a very desirable one. The large inclosed campus was covered with a thick carpet of grass and surrounded on three sides by hills with a heavy growth of trees, many of them ever-green. The swampy ground on the south and southwest abounded in mineral springs, red and white sulphur and Chalybeate. It had been a popular summer resort, but in time it proved to be unhealthful for constant residence. The buildings were sufficient in number and were conveniently arranged around three sides of the campus, with two large ones in the center. But, as was the case generally throughout the South at that period, they were somewhat out of repair; and having been intended only for summer use they were not ceiled. It is well to add they never were ceiled.

#### SUPERINTENDENTS.

Pending the election of a permanent superintendent, Rev. W. C. Buck was given the temporary charge of the property and of the small advance guard of children who arrived soon after the purchase of the property. He was pastor of a country church (Sharon) in Noxubee county, and on each visit carried supplies contributed by his warm hearted congregation. He was an able divine and a guileless Christian. In the meantime Professor Simeon Sebastian Granberry, formerly of Mississippi College, Clinton, Miss., was elected first Superintendent to organize and carry on the work of the Home. He was an experienced educator, a man of sound, practical wisdom, of fine administrative ability, a refined Christian gentleman, admirably fitted for the work of caring for and directing the efforts of women and helpless children. Dr. T. J. Deupree, now of Jackson, Tenn., who as Treasurer of the Board of Trustees was closely associated with him for five years, thus writes of him: "He was one of the noblest, purest, best man I ever knew." Professor Granberry also possessed that which is requisite for a man's highest success in any vocation—a wife in full sympathy with his work.



She was a safe counsellor when perplexities arose, a mother to the children and a sympathetic friend to all employees. These statements may be considered irrelevant, but justice demands that I pay this small tribute to the memory of the two persons with whose lives I was closely associated for six years, sharing their work, their cares and responsibilities.

#### ASSISTANT SUPERINTENDENTS.

Early in the first year, a young man, Mr. Sam Goodwins, of Hinds county, directed and assisted the little boys in their outdoor work. He remained only a few months, however. Late in the next year Professor Williams, of Hinds county, was elected to this position. As he was in delicate health he lived only a few months. Perhaps a year after his death, Mr. Judson Thigpen was chosen to succeed him, and remained nearly throughout the existence of the Home. These were all well educated gentlemen, and efficient in their positions.

#### PHYSICIAN.

A physician was employed by the year. This position was held by Dr. Sidney Kennedy, of Lauderdale Station. He was skilled in his profession, sympathetic in his ministrations, and responded promptly to all calls. A part of his duty was to examine all applicants on arrival at the station to ascertain if they had any contagious disease. In spite of this precaution we had, at different periods, epidemics of whooping cough and sore eyes.

#### OPENING OF THE ORPHANAGE.

On the arrival of the Superintendent, Prof. S. S. Granberry, late in the summer of 1866, Dr. Buck retired. Though the movement had been on foot only a short time the country was in a state of expectancy and it was not necessary to announce that the Home was ready for the reception of children. They came and continued to come in such large numbers and, in a majority of cases, in such a forlorn plight as to prove beyond question the crying need of such an institution. None were turned away. The institution was established, fostered and controlled by the Mississippi Baptist State Convention, but applicants were received irrespective of religious creed, or no creed, of the parents.

They came without warning. Their application was made at the gate or at Lauderdale station at the farthest. Before Christmas there were at least fifty on the roll; and in less than two years two hundred. The number of children in the Home varied from time to time, as mothers or relatives became able to provide for their children. Once it was sadly depleted by sickness. The vacancies were soon filled, however, by new arrivals. The age limit was from six years to about sixteen, subject to the discretion of the management. Children under six were debarred because the home was not able to meet the requirements of infancy. Girls and boys of sixteen, or thereabouts, were not only destitute but helpless, since in the impoverished condition of the country they could get no employment. In truth they had received but little education or training and were not therefore qualified for employment. But they were a great help to the home. With a little direction and help in each department they did all the work, thus obviating the necessity of employing servants.

#### THE CHILDREN.

The question was sometimes asked then and has been since, "What kind of children were these for whom all this provision was made?" It is a natural question and this is a good place to answer it. Briefly, they were *children* in every respect. Compared with the same number of children elsewhere, they averaged pretty well. Their educational advantages had been very limited during the preceding four years. In natural endowments they ranged from the fairly bright to the very ordinary, and from a natural refinement of feeling and manner down to rudeness and stolid indifference. They proved to be tractable and in disposition affectionate. Having previously known no will but their own, they were pretty fair specimens of "Young Americans." All of them needed training in every respect. The first year was an especially trying time on the faculty. The children came in so rapidly that before one consignment had been reduced to order another was on hand; then another, and another following in such quick succession that it required wise judgment and a firm hand to hold the situation but our Superintendent was equal to the demand. He was a man of versatile talents, an excellent disciplinarian for children and grown persons as well. His kindly nature

inspired a corresponding kindness in others; while his reasonable methods and firm will quelled all thoughts of rebellion. In time, earliest arrivals, having been partly trained, served somewhat as a police force, and materially assisted the management. After the children had learned the first lesson, obedience to authority (of which many of them had no conception at first) the other lessons became easier for them. Gradually things began to run smoothly, but just as it is in the outer world, the vigilance of the "law and order party" could never be relaxed. They had all of a child's instinct for mischief, and delighted in successfully perpetrating it. This was usually harmless and passed over, but sometimes a case demanded an investigation. Then the combined vigilance of the faculty and other employees would be requisite to detect the culprit; for every child examined was as innocent as a dove and as ignorant as the average citizen before the grand jury. When at last detected the offender was so submissively penitent and so profuse in promises never to "do so again" that no one had the heart for any severer punishment than a reprimand and a private lecture. If the culprit was a girl, this last duty usually fell to me, and in justice let me say that in every instance the girl thanked me for the interest taken in her welfare and promised to heed the advice given. This was *pay in good coin*; and it is still paying a large dividend in genuine satisfaction.

#### EDUCATIONAL ADVANTAGES.

School was conducted five days in the week the year round; vacations of only a day or two were granted in extreme weather and once for several weeks in a time of severe sickness. Occasionally there were three, but generally only two, teachers in the school. All of these were ladies with the exception of Mr. A. T. Farrar, who taught a short time. To equalize the labor and the school advantages the beneficiaries who were eight years old and over were separated into divisions, each of which worked and went to school on alternate days. All children under eight went to school every day. The large ballroom of the Springs was converted into the principal schoolroom and called "The Chapel," because all religious services were conducted in it. The textbooks used were such as were presented, both new and second hand. Other necessary equipments, such as desks, paper, pens



and ink were also liberally given. By having only half the children in school each day the demand for equipments lessened.

#### WORK.

The work was done almost entirely by the beneficiaries arranged in details. In case of the girls, at first four afterwards six, of different ages were detailed from each division for the different departments of housework, under the direction and with the assistance of an employee. These employees were in almost every instance mothers of children who gladly worked for a support and the privilege of being with their children. All children of working age in a division, who were not in a work section for the day went to the sewing room for that day, the divisions alternating day after day. Eight girls were drawn from the school room each day to wait on the tables. After these details had been arranged and put into regular working order there was very little trouble. Each girl soon learned her place and went to it every morning without admonition. Sometimes a vacancy would occur. If it was in a work detail, one from the sewing room would be substituted; if in the table service, one from the school room. These details were always arranged and managed by the same teacher, thus preventing confusion. As the boys worked in garden and field, the only detail necessary for them was by the week or month to furnish wood for the various departments, and in winter for the fireplaces. This was managed by the Assistant Superintendent if there was one in office, if not, by the Superintendent. Each employee also had his or her own work and was responsible for it, but that did not give him or her the privilege of refusing any other work that needed to be done. No one interfered with another, but if one was sick or absent, one or two others assumed extra duty, "closed ranks" and moved on harmoniously, uncomplainingly though a little wearily. Once, in a great strait, the most scholarly teacher in the institution, Mrs. Mollie Williams, worked in the kitchen for several weeks, at another time under a similar strait another teacher worked in the sewing room; and once, when a vacancy occurred in the school room, the Superintendent taught until it could be filled. All the work of the place was done by hand. Very few labor saving machines ever reached the Home. A washing machine or two were

tried but they were of such a crude kind they failed to serve the purpose. Washing and ironing went on from Monday morning until Saturday noon. A few sewing machines were also presented but the girls were taught hand sewing almost entirely. Some of them became very neat seamstresses.

Besides the regular daily work, the buildings needed repairing, and the long dining room of the Springs had to be widened to accommodate our large and increasing family. For this job a citizen of the neighborhood was employed in the earliest years of the institution. The lack of freestone water was in time provided for by conveying it from a spring outside the campus by means of underground wooden pipes. In these jobs the boys of the Home rendered all the needed assistance. The sawmills along the line of the Mobile and Ohio railroad presented the lumber. The only negro employed did the work that was too rough and heavy for the little boys. He was a "Radical" in politics and thought it incumbent upon him to "vote 'long wi' de party wha' turned we all loose." So he did, no one objecting. Nevertheless, he knew his place and kept it, giving no trouble. He was submissive to authority, doing his work quite satisfactorily. He remained with us several years.

#### FINANCIAL SUPPORT.

The institution was largely supported by contributions procured by traveling agents. The citizens of the neighborhood and of different parts of the State not visited by agents also kindly sent generous and often very timely contributions. Several agents were appointed at different times in the life of the Home. All of them were successful, but none traveled so extensively as did Dr. T. C. Teasdale, previously mentioned, and Mrs. Laura Reed, of Kentucky. Mrs. Reed visited us oftener than any other of the agents, mingled with us in our daily life and always had some pleasant incident to relate to the children. She thus acquainted herself with the needs of the place; and her appeal stirred the hearts of the people to their very depths as was shown by the donations she procured. Some beautiful incidents of Mrs. Reed's agency deserve to be recorded both for the spirit manifested by them and the results to the institution. Just previous to the War between the States, "Memory Strings" composed of but-

tons, each the gift of a friend and each different from all the others was a popular fad with young girls. Miss Jennie Moxley, of Louisville, Ky., had one of these strings, very precious to her; for each button had its own history connected with the giver. Her heart was so stirred by one of Mrs. Reed's appeals that she voluntarily offered her precious string for the pleasure of the orphans. But He who understood the sacrifice decreed better results. The incident so excited the sympathy of the audience that quite a liberal sum was immediately raised. Nor did it stop there. Wherever Mrs. Reed addressed an audience, she exhibited the string and repeated the story followed by the same substantial result. Thus the self-denying act of one little girl became a source of considerable revenue. Again, in one audience an old lady anxious to give something, brought to Mrs. Reed a water gourd, raised and prepared by herself, modestly saying, "It is but a poor gift but it will hold a drink of water for the little ones." But He who sat over against the treasury noted the deed, knew the motive and blessed the gift many fold. Whenever the agent passed it through an audience accompanied by a few remarks it came back to her full of offerings to the cause for which she so earnestly plead. One more donation deserves special mention. A baker in New Orleans, Mrs. Margaret Haughery, familiarly called "Margaret," noted for her charitable deeds, sent without solicitation, from time to time during the life of the institution, generous donations of fresh crackers, very acceptable at all times, especially so during seasons of sickness.

#### THE ORPHANS' HOME BANNER.

A semi-monthly paper, consisting of a single sheet, 16x22, and containing 24 columns, was established in 1868. It was published at the Home, the work being done entirely by the employees and beneficiaries. It was a source of considerable revenue throughout the existence of the institution, not only through subscriptions and advertisements but by keeping up a communication with the outside world. The office also did a good deal of job work. The first few issues of *The Banner* were printed at Scooba, on the Mobile and Ohio railroad, where two of the largest boys were sent to learn the art of printing. A handpress was soon



procured and an office was opened at the Home with one of those boys as foreman. The work being done entirely by the employees and beneficiaries there was no outlay except for paper and ink. Several of the boys became expert compositors, by which, in after years, they earned a comfortable livelihood.

About 1870 a concert band was formed of the best singers, girls and boys, of intermediate ages. It was trained and sent out under charge of Rev. A. D. Trimble, of Tennessee, and a matron—Miss Mattie Wharton, of Noxubee county, Miss., at first and afterwards Mrs. Mollie Williams, of the Home. This band travelled principally in Tennessee and Kentucky. It was kindly received everywhere and through its efforts the circulation of *The Banner* was increased and supplies were sent to the Home. The children sang hymns principally and without an instrument, but large audiences always greeted them. Besides these sources of support, the boys cultivated a part of the land, made a garden, raised some corn, hogs and cattle. In all these ways we lived comfortably by strict economy. All supplies ran alarmingly low at times, but thanks to Him who "cares for the sparrows" "the barrel of meal wasted not," neither did the "meat fail."

#### RELIGIOUS PRIVILEGES.

We had no regular preaching services. Occasionally a preacher made an appointment, but that was a very rare occurrence. Sunday school was held every Sunday morning, Prof. Granberry officiating as superintendent and the employees teaching. The literature was plentifully given. Several copies of *Kind Words* came regularly. A large supply of Bibles and Testaments with catechisms, question books, song books, both new and second hand, were contributed, and these we used as best we could. I was astounded to meet here a literary acquaintance of pioneer days which I thought had been crowded out of existence by the modern works. Among the contributions was a number of the same unlearnable question books that had been "Greek" to me in childhood. They were given to a class of the most advanced girls and boys, and the class most suavely assigned to me. I had not been connected with a Sunday school since those pioneer days, and,—shame on me,—my knowledge of Scripture had not kept pace with the passing of the years. I was, therefore, conscious

of the fact that I was not nearly so well qualified for the position as was supposed or as the position itself coupled with that particular question book demanded; but to decline was out of the question. Embarrassing situation! However, the class knew much less; so by diligent study I managed to keep in the lead through my time of service, in the meantime cracking many hard theological nuts.

Family worship, conducted by the Superintendent, was held every night in the chapel at which all were required to be present. The part of this service and of the Sunday school which delighted the children most was the singing. All sang, from the largest boy down to the smallest. I do not think a single one was "tone deaf;" certainly not one was dumb. They did not always have the words exactly right, but they "carried the tune," and with a will. A chorus song especially delighted them; when they reached that part, the campus rang with the joyous refrain, which was echoed from the surrounding hills, and often reached Lauderdale station, over a mile away.

At every meal each employee present and each child, even the little "tots," who could not read the Bible were required to repeat a text of Scripture before eating. The Superintendent, if present, if not a teacher, would ask a blessing, repeat a text, then every one around the two long tables would follow with a text. The trustees when present conformed to this custom, so did visitors when not taken by surprise. I learned more Scripture texts during my connection with the Home than I had learned during all my previous life.

#### RECREATION, HOLIDAYS, ETC.

Children and grown people, too, must have periods of rest and recreation. The school, of course, had regular hours of recess. Then after supper (which was always eaten before sunset as "lamp oil" was never abundant) the work division was free, and until the bell rang for family worship all joined in noisy, jolly play. On Sunday after Sunday school, in order that brothers and sisters or other relatives might meet occasionally in untrammelled social intercourse, they were permitted to assemble on the campus in summer, in the chapel in winter. This plan carried out in full soon included all the children; for the very few who had no

relatives were by special favor granted the same indulgence. They were always under the care of one or more person in authority who were not near enough to restrain their reasonable enjoyment. They were free to enjoy themselves in any way they pleased, if within proper bounds. Gamboling on the grass or sitting about in groups they showed by their merry peals of laughter how much this relaxation was to them; and it is only just to them to say that they never abused this privilege.

Christmas was a week of freedom except for necessary work, and, as all freely helped with that, it was little more than play. Santa Claus never failed to come with his sleigh filled to overflowing with all kinds of Christmas presents. Besides all manner of toys to please and help make a noise, the children had a substantial feast and a dainty dessert. Once we had a Christmas tree, but the affair was too stupendous to be repeated.

An annual picnic on the grounds appointed by the trustees became a settled feature. It was left to the option of the Superintendent to select and announce the time of this event each year. It was generally in the fall. On the appointed day companies of men, women and children came from all parts of the State, bringing boxes and baskets, filled with everything necessary to a feast. It was the orphans' picnic, given by their friends, who contributed so bountifully that the "left overs" amply supplied the needs of the next day. On this occasion all work not absolutely necessary was suspended. This day of free social intercourse with friends was always pleasantly remembered. If the schedule of the trains detained the company until in the night, the Home would get up a school exhibition for their entertainment. Next day some members of the party were tired, very tired in body, but refreshed in spirit.

The citizens of Lauderdale station, ever mindful of their helpless neighbors, provided for their entertainment whenever an opportunity presented itself. Knowing that whatever is called "a show" has especial attractions for children and grown persons as well, they prevailed upon the proprietors of sleight of hand performances, etc., to give the Home a benefit whenever it was possible to do so. If it was an outdoor performance, the Home was invited and accorded the best position for observing it. If the young people of the town got up a home entertainment, they were



sure to give the children one evening's performance in their own Home. Doubtless they were repaid by witnessing the children's hearty demonstrations of pleasure. So we were treated to many "shows," but never to a "circus."

As to the employees, each one was permitted a vacation of a month each year (one at a time). We could take it all at once or in two divisions, at our option. Some of us usually found time only for the first division of two weeks; others took a vacation only every two or three years.

#### EPIDEMICS.

Besides whooping cough and sore eyes, already mentioned, the Home suffered from an epidemic of malarial fever in the summer and fall of 1869. Comparatively few of the beneficiaries escaped an attack; a score or more were sick at the same time and many of them died, mostly girls. But to dwell upon this period would unnecessarily harrow the feelings. The reader can imagine all the anxiety, weariness, care and suffering incident to such a time. I should not mention it, but for the fact that it was a true, though very sad, episode in the life of the Home.

#### FINANCIAL TROUBLE.

In the fall or early winter of 1869 the managers were notified that the property of "The Springs" had reverted to the heirs of the former owner by virtue of the sale's having been effected during their minority. So the orphans were again homeless. The hearts of their guardians and friends trembled with anxiety, but not for a long time,—*Jehovah-jireh!* During the last years of the war, the Federal Government had established a military post, a mile or more from Lauderdale station, on the west side of the railroad. After the surrender, many superannuated negroes and colored children were carried there and given a temporary asylum, much to the relief of their former masters. When the soldiers were withdrawn, the Quakers took possession of the post, with the intention of supporting and training the negro children still on hand. The managers of this school were in full sympathy with the work of the Confederate Orphans' Home, and the Superintendent of that institution sometimes visited us. But just as this seeming disaster fell upon our Home, the Quakers for reasons sat-

isfactory to themselves, decided to abandon the work, and the place was for sale. Our officers bought it and a small adjoining farm. Forthwith the Home was moved by installments. There were over two hundred of us with our personal and family belongings to be moved a distance of three miles, more or less. We had at our disposal for this purpose, two yoke of oxen, one pair of mules and two wagons, a horse and buggy, and one pony, owned conjointly by the Home and the Superintendent. This was a month of rollicking fun to the little ones. To the employees and the older children the fatigue was mitigated by the satisfaction of knowing it would never have to be repeated.

#### THE NEW HOME.

The post occupied two adjacent hills, connected by a foot-bridge spanning the intervening hollow. The boys under charge of the Assistant Superintendent, Mr. Jud. Thigpen, a teacher and necessary domestic employees were domiciled on one hill, "the boys' hill." The Superintendent, with the remainder of the inmates, occupied the other, "the girls' hill." There was a comfortable settlement on the farm near by, and two trusted employees with their children occupied the dwelling. Although we were somewhat scattered, all met in the chapel on the "girls' hill" for family prayers, Sunday school and Sunday afternoon recreation in social intercourse. The locality had no beauty, but it was high and had a dry, pure atmosphere and plenty of good freestone water. The buildings, roughly constructed, were sufficient in number, but not so well arranged as those at the Springs; none were ceiled except a few rooms in the Federal officers' quarters. But the title was secure and the situation healthful. The farm was also more productive than the one we had left. So that what seemed to be an irreparable loss proved a desirable gain. The old Federal guardhouse, situated in the one side of the yard on the "girls' hill," was turned into a printing office. How shy, for a time, the little ones were of this building! They had known something of soldiers with guns arresting men and taking them to prison. They learned in some way that this house, with the sentry's box near by, was a prison; to their minds a prison was a jail, and a jail was a horror to be avoided. It was long before they learned there was nothing in it to be dreaded by them.

## LAST DAYS OF THE HOME.

On January 13, 1871, our Superintendent, Prof. S. S. Granberry, died. His health had been seriously declining for several years, but he never gave up and when the summons came, he "fell at his post." This was a grievous bereavement; a personal loss to every inmate of the Home. The Board of Trustees missed thereafter the helpful counsel of a practical mind, and the whole community lost the silent influence of a correct life.

Dr. T. J. Deupree, then of Noxubee county, Miss., was chosen to succeed him. As he did not reside in the Home, Dr. Sid Kennedy, of Lauderdale county, was appointed to act in his absence. The former made us frequent and extended visits; the latter came out almost daily and besides caring for the sick he took charge of contributions, correspondence, etc. During the incumbency of Dr. Deupree a large brick building of three stories was erected at very small cost. The bricks were all made by the boys of the Home, and enough of them were sold to almost, if not entirely, pay the bills of the brick masons. Much of the lumber used was generously contributed by the mills on the Mobile and Ohio railroad, below Lauderdale station.

In January, 1873, Rev. A. D. Trimble, of Tennessee, who had conducted the concerts, was put in charge of the Home. After him came Captain Tower, for a short time. He was succeeded by Rev. R. N. Hall, of Raymond, Miss. The established routine of work, including the publication of the *Orphans' Home Banner*, was kept up during the incumbency of all the Superintendents. Rev. R. N. Hall also built and operated a grist mill, which added materially to the support of the institution, besides training some of the boys in a profitable industry. In addition to the usual religious services he preached regularly in the chapel, and in the course of time organized a Baptist church there. He was the last Superintendent, his administration continuing to the close of the Home, which resulted from natural causes in the course of a few years. The purpose for which the Home had been projected (that of caring for and training helpless orphans of Confederate soldiers) had been achieved. For several years there had been but few applicants. There were few, if any really helpless Confederate orphans left. In fact, after a few years had



passed and the condition of the country had improved, mothers and friends of the children became able to provide for them either in their own homes or to procure positions where they could make a comfortable support, preserve a spirit of independence and contribute something to the public weal. A few of the girls, about four or six, by consent of the trustees married and thereby secured comfortable homes. Thus they left from time to time, till about 1878 the remaining ones were easily provided for in the outside world. As the Home had done its special work and there was no opening then for a change in its purpose, the property was sold to a private party. Several years afterwards the large brick building was burned.<sup>2</sup>

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<sup>2</sup> For some facts and dates mentioned in this sketch the writer is pleased to acknowledge her indebtedness to Dr. T. J. Deupree, now of Jackson, Tenn., the Treasurer of the Board of Trustees of The Home; and to Prof. J. A. Granberry, of Oklahoma, a son of the first Superintendent. Prof. Granberry was a boy at the home, and like any wide awake boy became cognizant of many things that would not be noticed by an employee with whose work they were not especially connected.

## RECOLLECTIONS OF RECONSTRUCTION IN EAST AND SOUTHEAST MISSISSIPPI.

BY W. H. HARDY.<sup>1</sup>

### I. BLACK AND TAN CONVENTION.

The "Black and Tan Convention," which had been elected pursuant to the provisions of the Reconstruction act of Congress under the supervision and control of the United States Military authorities, was composed of one hundred delegates. This number was fixed by Gen. Ord, Military Commander, and was so apportioned as to give the Republicans a large majority. There were in the Convention about thirty negroes (of whom only eight could read and write), twenty carpetbaggers, twenty-nine scalawags, and sixteen native whites, known as "conservatives." The Convention was called to order on the 7th of January, 1868, and organized by electing B. B. Egleston, a carpetbagger from New York, President, and T. P. Sears, an ex-Federal soldier, Secretary.

The first thing the Convention did was to fix the compensation of its members at ten dollars a day and forty cents mileage going and returning. It then provided for a large number of employees, including a reporter, and a secretary at \$15.00 a day each, two assistant secretaries at \$10.00 a day each, a sergeant-at-arms at \$10.00 a day, with two assistants at \$5.00 a day each, a warrant clerk, two enrolling clerks, a reading clerk, a minute clerk, an auditor, an auditing clerk, a treasurer, a chaplain at \$10.00 per day, a postmaster at \$8.00 per day, porters, etc., with large salaries. All the leading committees had each a clerk with salaries, some as high as \$15.00 a day. Then each member was allowed five copies of any daily paper he might select, and a large

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<sup>1</sup> A biographical sketch of the author of this article will be found in the *Publications of the Mississippi Historical Society*, IV., 105. Other articles belonging to this series by the same author will be found in *ibid.*, 105-132; also *ibid.*, VII., 199-215.—EDITOR.

amount of stationery, embracing pens, penholders, paper, ink, paper fasteners, fancy blotters, pencils and pencil sharpeners, etc.

It must be remembered that this Convention was called to frame a new Constitution; and it must also be remembered that there was not a dollar in the State treasury. It sat 115 days or nearly five months and cost the impoverished white people over \$250,000, the per diem of the delegates alone amounting to nearly \$120,000.

The saturnalia of robbery under the forms of law, upheld by military power, has no parallel in the history of free government on the earth. Two carpetbaggers, Generals Dugan and Stafford, public printers, received \$30,000 for their share of the spoils. The lobbies, during the session of the Convention, were filled with negroes, not a few of whom were fancily dressed mulattresses, many of them bedecked with gorgeous "pinchbeck" jewelry, set with paste diamonds. There was a rivalry between the negro members and the carpetbaggers in courting the smiles of these dusky damsels. It was here that A. T. Morgan, a carpet-bagger from Wisconsin, who was a delegate from Yazoo county, is said to have met Miss Carrie Highgate, a mulattress from Rankin county, and paid court to her charms. They were married and during the sitting of the first Legislature under the constitution formed by this Convention, she could be seen daily, sitting by the side of her husband, on the floor of the Senate of which he was a member.

Of course, a tax levy was made at once by the Convention to meet this reckless waste and extravagance. Tax gatherers, backed by military authority, were sent into every county, to take from the white people the little pittance of the savings of their toil which they had laid up to supply their own actual necessities of food and raiment. But this was not the most alarming feature of the doings of the Convention. It had adopted a constitution which had disfranchised nearly one-fourth of the white voters of the State, and as a pretense of fairness had referred it back to the people for ratification. Of course, it was ratified. The people became thoroughly aroused, and their views and sentiments were fully voiced by the press of the State, led by the *Clarion* of Jackson, then under the editorial control of the ablest journalist of



the South—Major Ethelbert Barksdale. This paper was bold, fearless and outspoken in its denunciations of these freebooters who reveled over the bleeding, prostrate form of the once proud and happy Commonwealth of Mississippi, like carrion crows over the decaying carcass of a dead dog. Even General Grant and the more conservative members of his administration at Washington were amazed at the trend of affairs in Mississippi.

Many republicans in and out of the State saw that "Reconstruction" would prove a stupendous failure without a change of the policy inaugurated by the "Black and Tan Convention," and as a result, the party in Mississippi divided into two factions—the conservative and the radical republicans.

Men like Judge Frederick Speed, of Warren county, Judge Jeffords, of Adams, Colonel Wills, of Tishomingo, Colonel McCloy, of Hinds and Gordan Adams were the leaders of the conservative republicans. They were opposed to the wholesale proscription of the native whites, and the reckless extravagance, amounting to confiscation, of the radicals. A negro carpetbagger from the North by the name of Fitzhugh boldly denounced the Convention, and urged the negroes to join the whites and defeat the proscriptive clauses of the Constitution.

The conservative republicans held a convention at Jackson on the 23rd of June, 1869, and adopted a platform and appointed an executive committee. The radical republicans held their convention on the 2nd of July in Jackson, and promulgated a platform of great length. Each convention appointed a committee to visit President Grant at Washington, one in favor of the Constitution and the other opposed to it.

As a result of this contest, the President re-submitted the Constitution to the people, but allowed a separate vote to be taken on its proscriptive features. This was a compromise, and brought the first ray of hope to the oppressed people of the State.

The first question with the democrats was as to what course they should pursue. Here were two republican parties organized, with neither of whom they were in accord. A full state, district and county ticket was to be elected at the same time the Constitution was to be voted upon. It was urged by some prominent men in the State that, as the republicans were divided, the democrats

could elect their ticket. They insisted upon the nomination of a full ticket. On the other hand, it was argued that the defeat of the obnoxious clauses of the Constitution was of far more importance than the election of the ticket. In fact, it was urged that this should be the first great object to be accomplished.

In this condition of affairs Major Barksdale came out in a ringing editorial in the *Clarion*, urging the democrats not to make any nominations, but to join the conservative republicans and make common cause with them. Governor Sharkey, provisional governor under President Johnson, published a communication urging a union of whigs and democrats with the conservative republicans. Another communication by ex-Gov. A. G. Brown also urged this course, and suggested the nomination of Judge Louis Dent, a brother-in-law of President Grant, for governor. It complimented Judge Dent in the highest terms, stating that he had married a native Mississippi woman of rare accomplishments, and assumed that he would have the sympathy and support of his brother-in-law, President Grant.

There was a precedent for pursuing this course set by Virginia, where a similar state of affairs existed. The democrats of that State refused to nominate a ticket and supported the conservative republican ticket headed by General Walker, and they were successful, and so placed the State into the hands of safe, conservative men.

The *New York Herald*, under the guidance of its founder, the Elder Bennett, in speaking of Governor Walker's election in Virginia, said:

"Assuming that Walker is elected, and that his party have won the State on the Constitution and the Legislature, and on Congress, the results show how the whole South may be won by the Southern Conservatives, and how the conservatives of the North may, in due time, sweep the country from New York to California."

So the tide of public opinion drifted rapidly toward this policy, and the democratic executive committee met and decided that it was "inexpedient" to nominate a ticket, and urged all good men "to unite with the conservative republicans."

The conservative republican convention was called to assemble in Jackson on the 8th day of September, 1869. Thirty odd democratic papers in the State were in accord with the movement of

democratic affiliation with the conservative republicans in this hour of grave peril and danger, and they urged the people to meet in county convention and appoint delegates to attend this convention. Major Barksdale through his paper, among other things, said:

"Let intelligent men of the African race be appointed to the Convention, where they can make known the views and wishes of their people and participate in the framing of the platform and the selection of the candidates."

The above advice was heeded and negroes were sent from nearly every county out of the forty-five or fifty represented in the Convention along with the white delegates "to participate in the framing of the platform and the selection of the ticket."

It seemed at the time the proper and wise thing to do, but it was an expensive and utterly futile experiment so far as getting immediate control of the State government, and this failure was due to the fact that although for generations we, and our ancestors had been born and reared among the negroes, we knew absolutely nothing of them as freedmen invested with all the civil rights of American citizens.

## II. THE DENT CONVENTION.

The conservative republican convention—known in history as the "Dent Convention"—was called to order in the Hall of the House of Representatives in Jackson at 12:00 m., September 8th, 1869, and Judge Speed, of Vicksburg, was elected permanent chairman and Colonel Wills, of Corinth, secretary, with two assistants. The roll call disclosed the presence of about 275 delegates, representing about fifty of the sixty-one counties in the State. There were about 100 negroes, 50 carpetbaggers and scalawags, and the remainder were native white democrats.

The afternoon was spent in organizing the Convention, appointing committees, hearing resolutions all of which were referred to the committee on resolutions, and in speech making. A negro from Tennessee by the name of Harris, who had the reputation of being quite an orator was invited to address the Convention, and was received with wild demonstrations—principally from the whites. He moved with the stride of an actor down



the aisle, and mounted the lower platform by the clerk, and for nearly one hour he indulged in the most scathing criticisms of the radical republicans, especially the carpetbaggers; apologized for the "poor, ignorant misguided people of my own color, who were blindly following the lead of the camp followers and spoils-men, many of whom had packed all their worldly possessions in a carpetbag and lit out between the suns for the land of promise."

Harris was brought to Jackson for the express purpose of making a speech to capture and enthuse the negro delegates, who, it was expected, would, on return to their homes, spread the "contagion" among the negroes throughout the State. But the white delegates *only* seemed enthused. The negroes sat like "dummies," unmoved, except that a few of them wore broad grins, and gave forth occasional "guffaws" at the speaker's anecdotes.

The Convention adjourned till 10 o'clock next day. On re-convening the report of the committee on resolutions was submitted. They reported the platform which had been adopted at the June Convention, and the report was accepted by a *viva voce* vote without discussion. Its chief plank declared for reconstruction in accordance with the acts of Congress and the principles enunciated by General Grant and favored toleration, liberality and forbearance. It favored also an "economical administration of the government," declared for a system of "free public schools," opposed to any discrimination between the races on account of race or color" and appealed for support to "every patriotic citizen in the State, white or black, high or low."

Judge Louis Dent was nominated for governor without opposition, receiving about 240 votes; Judge Jeffords for lieutenant governor; Tom Sinclair, a native negro of Copiah county, was nominated for secretary of state. He was opposed by Thomas Richardson, a negro lawyer of recent importation, and by J. R. Highgate, a brother of Carrie Highgate Morgan. Highgate urged his own claims in a lengthy speech before the convention. He received 30 votes, Richardson 31, and Sinclair 150. Wills, of Tishomingo, was nominated for auditor, McCloy, of Hinds, for treasurer.

There remained only two other nominations to be made, that of attorney-general and state superintendent of public education.

The Convention had wearied of the long nominating speeches, and adopted a rule limiting the speeches to five minutes. Judge Speed, of Vicksburg, was placed in nomination for attorney-general and the writer, who had served with Capt. William Barksdale in the Army of Northern Virginia, placed that gentleman in nomination. In the course of his remarks he stated that the ticket so far nominated was composed of men who were strangers to the people of Mississippi, and all of them except Tom Sinclair had come to the State in the wake of the victorious Federal army; and to complete the ticket with this class of men would be to discredit it with the masses of the white people of the State, and not only of the State but with the "powers that be" at Washington; and that the attorney general and superintendent of public education ought to be men "native and to the manor born" to secure the white vote of the State. That Capt. Barksdale was a great lawyer and a man of splendid character, and had, in good faith, accepted the plan of reconstruction as devised by the acts of Congress. The speech evoked prolonged applause, and when it subsided, a friend of Captain Barksdale, whose name is not recalled, arose in behalf of that gentleman and expressed his high appreciation of the compliment paid him, and stated that he was disfranchised by the Constitution, and was ineligible—that as District Attorney before the war he had taken an oath to support the Constitution of the United States and afterwards entered the Confederate army and was, therefore, proscribed.

The writer held a hurried conversation with A. B. Smith, of Forest, who was sitting by his side, and proposed to place in nomination, T. B. Graham, of Forest, but was assured by Smith that Graham would not accept it. At this juncture the balloting was begun. The writer told Smith to go and see Gen. Robert Lowry and ascertain if he would accept, and he left immediately to find General Lowry. The writer arose and addressed the chairman protesting that undue haste was being made in so grave a matter, and asked that the balloting be suspended and that he be allowed to place in nomination one of the most distinguished men of the State, one who was opposed to secession and fought

it openly and boldly until it became an accomplished fact, when he cast his fortune with his own people. He continued speaking until the five minute rule was invoked against him. He refused to desist and appealed to the Convention. Excitement was growing apace, and much feeling was being manifested when Judge Speed resumed the gavel and asked that the rule be suspended and the speaker allowed to proceed, which he did until Smith returned, simply nodding his head, which was taken to mean that Lowry would accept, and he was placed in nomination amidst a storm of applause. Speed's name was withdrawn and Lowry was nominated *nem con.*

The writer then placed in nomination that great educator and splendid man, Prof. Thos. S. Gottwright, of Noxubee county, for superintendent of public education, which completed the ticket—four carpetbaggers, one native negro, and two native whites.

A committee consisting of the writer, Scipio Cunningham and Amos Drane, negroes, and a carpetbagger by the name of Whitfield was appointed to notify Judge Dent of his nomination and request him to appear before the Convention and signify his acceptance. One of the negro committeemen could not be found, the others took a carriage and drove to the Edwards House, sent their card to Judge Dent's room, and was presently notified that he would be pleased to receive the committee, who went directly to his room. After introducing themselves, the chairman notified him of his nomination and requested him to accompany the committee to the Convention Hall and signify his acceptance. This he promptly agreed to do, and after handing around a box of cigars, the little man put on his little hat, lighted his cigar, and taking the arm of the chairman, marched out of the Edwards House followed by the other members of the committee, entered a carriage—the negro committeeman riding on the outside with the driver by preference—and drove to the Capitol.

As they entered the Convention Hall and marched down the aisle many of the members rose to their feet and shouted lustily. He mounted the stand and was introduced by the president of the Convention and made his little speech which consumed about five minutes. He thanked the Convention for the honor of the nom-



ination. Said he loved the people of Mississippi, that he had material interests in the State that identified him with them; that, if elected, his highest ambition would be to administer the laws in a spirit of fairness, with justice to all, without regard to race or color. Surveying the Convention, he said he saw before him evidences of fraternity and good fellowship between the races and he hoped this spirit would grow with the flight of time, and that the State would become a great and prosperous one.

His little speech was applauded by many, while many others felt as did this writer that a statesman to lead a forlorn hope was in great demand, and none had been found.

"Colonel" Wills, nominee for auditor, offered the following resolution:

*"Resolved, That the thanks of this Convention be extended to the colored delegates in attendance for the urbanity and gentlemanly deportment displayed throughout the deliberations of this Convention, which in every manner indicates their sense and understanding of the platform of the National Union Republican party of the State of Mississippi and their peculiar fitness and appreciation of the rights of citizenship."*

The resolution was declared adopted and after some other resolutions of thanks the Convention adjourned *sine die*.

On the 30th of September the radical Convention assembled at Jackson and nominated a full ticket with J. L. Alcorn at the head for governor. This was a surprise to everybody and a very gratifying one to many. He had lived in Mississippi since early manhood, had accumulated a large estate, was a man of great ability, and one of the best speakers on the hustings in the State.

The ticket as a whole was composed of men of far greater ability than that of the conservative republicans, except the candidates for attorney general and superintendent of public education. It was made up of three native white republicans, three white and one negro carpetbagger.

It was expected in the outset that President Grant would throw the weight of his influence in favor of his brother-in-law, Judge Dent, but this illusion was soon dispelled by his open, undisguised support of the Alcorn ticket, General Ames, the Military Governor and Commandant of the Department of Mississippi, also openly supported the Alcorn ticket. These facts, together with the fact that thousands of white voters preferred Alcorn to Dent,

as he was a large property holder and identified with the best interests of the State, though they would not vote for him because he had identified himself with the worst element of the republican party, caused this large class, amounting to at least 20,000 to stay at home and not vote at all. There were fully 15,000 who were disfranchised and could not vote, besides a great many of the poorer class of white voters who swore they would never vote for a "nigger" nor for any ticket on which a "nigger" was running. The result was that the Alcorn ticket received over 76,000 votes out of a total of about 104,000 cast.

Harsh criticisms have been made and severe censure indulged against the prominent white democrats of the State who favored and "engineered the Dent Movement." Such men as A. G. Brown, Fulton Anderson, George L. Potter, Ethel Barksdale, General Featherstun, General Lowry, and in fact nearly every prominent man in the State, favored it. The conditions then existing fully warranted the movement. And in looking back over thirty-five years that have intervened since these stirring events occurred, the fair and impartial student will reach the inevitable conclusion that great good resulted from it; that it was not a failure in a true sense; and that no other political move could have been made at the time that would have borne such happy results in the end.

In the first place, it divided the republican party in the State. The so-called conservative republicans were simply following President Grant's lead. He was conservative in all his views respecting the reconstruction of the Southern States. There is abundant evidence of this fact, but he was not in harmony with the national leaders of his party, and was unable to bring them over to his views, and since "the mountain would not come to Mahomet, Mahomet went to the mountain." But the division in the ranks of the party had been effected; the breach was too wide to be easily closed.

In the next place, it forced the radical republicans to nominate Alcorn for Governor, an able man, a man identified with the State; an imperious, fearless man, who could not be cajoled nor bought nor intimidated. After he had been firmly fixed in the gubernatorial office and the military power removed, the State,

to use his own language, "was restored to her lost place in the sisterhood of States \* \* \* an equal among sovereigns, erect and free \* \* \* to work out her destiny in a fellowship of states, the peer of the proudest." That such a man invested with power to appoint the judiciary of the State, and to shape the policy of the State, and execute its laws could long work in harmony with the public plunderers and despoilers of the State, was not for a moment to be expected. As soon as he had secured his election for a full term to the United States Senate, he felt safe and secure and it was not long till the breach came between him and General Ames, the leader of the extreme element of his party.

As early as March, 1871, General Ames, writing to a negro member of the Legislature, charged Governor Alcorn with not protecting the negroes, but allowed them to be killed by hundreds to gain power and favor with the democrats. Evidently General Ames began laying his plans to wrest from Governor Alcorn the leadership of the party. Alcorn had resigned the office of governor and taken his seat in the United States Senate when the clash between them occurred on the debate of a bill to enlarge the provisions of the Ku Klux Act. He denounced Ames on the floor of the Senate in scathing terms of ridicule and contempt. Ames retorted, and so the conflict began.

It was hailed by the democrats of Mississippi with peculiar pleasure. A leading newspaper of the State headed a leading editorial on the subject with the old adage, "When rogues fall out, honest men get their dues."

The republican Convention met in Jackson in 1873 to nominate a ticket. Ames and Alcorn were both candidates for governor, adopting this method of appealing to the people for endorsement. Ames was nominated on the first ballot by an overwhelming vote. The Alcorn delegates bolted the Convention and nominated Alcorn with a full ticket which contained one negro by the name of Stringer from Adams county. The Ames ticket contained three negroes, A. K. Davis, lieutenant governor; Jim Hill, secretary of state; and T. W. Cordoza for superintendent of public education.



Many of the scalawags and all of the conservative carpetbaggers followed the flag of Alcorn.

In this condition of affairs the democratic party met in convention at Meridian, and after a long and fierce contest it was voted to disband, or, to use the language of Gen. Robt. Lowry, who advocated the policy in the Convention, they were "turned loose unmarked and unbranded" to vote for whomsoever they pleased; but it was understood that the movement was in the interest of the Alcorn ticket. There were about forty delegates who withdrew from the Convention at Meridian when it resolved to disband, they held a meeting, passed resolutions condemning the disbandment of the party, and affirming that the only hope for giving to the State good government lay in the solid, thoroughly reorganized democratic party composed of the white men of the State. An executive committee was appointed, and a proposition was offered and seriously debated favoring the nomination of a ticket, and the ticket was practically agreed upon, but the matter was held in abeyance and it was finally decided not to put a ticket in the field. Among those who were in this meeting were Major McCardle, of Vicksburg; R. H. Henry, of Jackson; Sam Meek and Major Worthington, of Columbus; Charles A. Smith, of Quitman, and this writer and others whose names are not now recalled. The campaign was vigorously pressed by Alcorn, and his denunciation of Ames and his followers were terrific; but to no purpose, except to make the breach in the republican party more manifest and permanent. The Ames ticket swept the State by nearly ten thousand majority. Both Branches of the Legislature were overwhelmingly radical. The Senate contained nine negroes, nine carpetbaggers and eight scalawags, making twenty-six radical republicans to twelve democrats. The House had thirty-five democrats and seventy-seven radical republicans, fifty-five of whom were negroes.

It is useless to state that the legislation enacted by this Legislature was of a character to arouse the people almost to open revolt. Taxes were laid upon the people that they were unable to pay. As a result something like six million acres of land were sold for non-payment of taxes.

The people had learned from the two experiments made, first,

with the Dent movement, and then with the Alcorn, that there was no reliance to be placed in the negro voter. He belonged to the Loyal League and was absolutely under the control of the carpetbagger, and those who abused the "rebels" most were the best men with them. There were thousands of negroes, in fact, who boldly advocated the "color line," that is, that only negroes should be elected to office.

The State government became a menace to the lives, liberties and property of the people. The criminal laws were not enforced by reason of the inefficiency and utter incompetency of the officers. County taxes were levied by boards of supervisors many of whom were negroes that could neither read nor write, and the rates were fixed by men who had their thieving fingers in the treasury. Hence, when the campaign of 1875 was launched the democratic party had reorganized upon the color line. Their chief plank was embodied in the sentence: "This is a white man's country and white men shall rule it."

This is what was known as the "white color line." Every white man who loved his State, and who was not among the republican spoilsmen, was convinced that the only salvation for the State lay in solidifying the white people against the negroes and their carpetbag and scalawag allies. Lamar, then a member of Congress, boldly espoused the "white line policy." Gen. J. Z. George was made chairman of the democratic executive committee. The party was thoroughly organized in every county of the State. Speakers were assigned to certain districts and appointments made for them covering the entire State. The white people turned out, and facts and figures were marshaled by the speakers, and the republicans denounced on every husting in the State. The negroes were told that they could vote with the democrats if they wanted to, but they were given to understand that their votes were not sought. They were further given to understand that the white people intended to *carry* the election.

The State was soon aflame with enthusiasm, such as had never before nor since been seen in its history.

Whenever the carpetbaggers and scalawags had appointments to speak, democratic speakers went and demanded a division of time. If it was refused the democrats would fire questions at

the speakers, and provoke colloquy and uproarious applause to such an extent, and in such good humor that the republican speakers would quit in disgust. The democrats were triumphant, electing a majority of members in both houses of the Legislature. Many of the ablest men in the State were elected. Davis, the negro lieutenant governor, was impeached by the House and convicted of high crimes and misdemeanors in office. Ames was impeached and the trial begun, when he resigned to prevent conviction. John M. Stone, president *pro tem.* of the Senate, became governor and was inducted into office. The State government was once more in the hands of the white people, never more to return to the rule of the ignorant, the corrupt and the debased.

The people of Mississippi honestly gave the negroes a fair and impartial opportunity in two State elections to demonstrate their fitness for the exercise of the rights of citizenship invested with the voting franchise, and each case demonstrated their utter lack of qualifications for the discharge of their duties. They were not fit for jurors, as they decided every case according to their prejudice without regard to evidence, or according to the opinion of some man on the jury to whom they were politically friendly. In short, evidence amounted to nothing with them. And a strange fact known to every lawyer who ever practiced before negro jurors is that they invariably favored conviction in criminal cases, unless they had an interest in the criminal. Then they would not convict on any evidence. As voters they had no convictions upon any question. They voted always for the ticket that the whites opposed, no matter who were the candidates.

They elected Cardoza superintendent of public education in 1873, although it was known all over the State that he was a fugitive from New York, where there was an indictment against him for embezzlement, and he was also under indictment in Warren county. But he was on the ticket opposed by the whites, and that was enough.

Efforts at reconstruction in Mississippi demonstrated that the negro has no fitness for wise self-government, and the thirty-five years of freedom and education that has intervened show that he cannot be fitted to share with the white man in governing a republic.



The negro should be protected by law in all his rights of person, property and the pursuit of happiness, but he will never be permitted to share in governing the white people or his own people because he is not capable of governing, and centuries may elapse before he reaches that stage of evolution which will fit him for self-government.



## RECONSTRUCTION IN WILKINSON COUNTY.

By J. H. JONES.<sup>1</sup>

In writing this sketch of reconstruction in Wilkinson county it will be unnecessary to devote any space to the details of Federal legislation that led up to the events to be recorded. As that has already been done in one or two contributions to the *Publications of the Mississippi Historical Society*, I shall confine myself to the narration of the conditions as they existed under the reconstruction acts of Congress, passed in 1867, and put into effect in 1868 and 1869.

In order to better understand the operation of these acts, in Wilkinson county, it will be necessary to give a brief sketch of its history. Wilkinson county is one of the oldest in the State, having been settled about the time of the French occupation of Adams county. It is a river county, and like all the counties on the Mississippi south of Yazoo river, it lies in the "Bluff Formation," and is a hill country with a narrow river front of alluvial lands. Its lands were very fertile when first discovered, and attracted capital, and created wealth, until at the beginning of the War between the States it was occupied by extensive plantations, cultivated by large numbers of negro slaves. It then produced double the amount of cotton it now produces. The negro population at that period must have been in ratio to the whites as six to one. As one-fourth of the county was poor land, it was largely occupied by white people, the negroes being congested in the western portion next to the Mississippi river. At one precinct on the river one thousand negro votes were cast to not more than ten white votes. The owners of these baronial plantations usually resided elsewhere, and left the care and cultivation of their land to overseers.

After the appearance of the Freedman's Bureau, and the en-

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<sup>1</sup> A biographical sketch of the author of this contribution will be found in the *Publications of the Mississippi Historical Society*, VI., III.—EDITOR.



franchisement of the negroes by military order and by the reconstruction acts, the situation of this county was much the same as that of other counties under like conditions.

These conditions depended largely upon the personal character of the white men who assumed control and leadership over the negroes. In Yazoo county, for instance, the negroes were led by a bold and corrupt man who thoroughly identified himself with them, socially as well as politically.<sup>2</sup> The negroes of Wilkinson county, on the other hand, were led by a native Confederate soldier, who went into the movement for the gain that was in it; and at no time, so far as the demands of his leadership permitted, did he practice or tolerate any approach to social equality. He soon acquired sufficient funds to set up as a planter on a large scale, and on no other plantation in the county was a more strict discipline maintained than upon his. Naturally this conduct of their leader toned down the tendency to insolence on the part of the negroes towards their late masters.

There was comparatively little personal violence between the black and white people in Wilkinson county during the reconstruction period; and the hatred engendered between the races culminated in a conflict only after the overthrow of carpetbag rule, for which the white Republicans were not directly responsible, as will be shown further on.

At first the negroes seemed to be dazed by the stupendous change in their social and political conditions, but much of the old kindly relations between them and their former owners remained. It was still "Mars Bob" and "Ole Miss" with many of them, until the advent of the political adventurers of that day changed all that. It was necessary to the success of these men that all influence exercised over the negroes by their late owners should be broken down; and to this end they began at once to teach the negroes to distrust and hate their former owners. This was not difficult to do. The negroes are by nature simple and credulous, and it was easy to excite their fears of being returned to slavery should their former owners regain control of the State. Freedom was sweet to all, and to some the thought of re-enslavement was

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<sup>2</sup> See Bowman's Reconstruction in Yazoo County in the *Publications of the Mississippi Historical Society*, vii, 115-130.

a thing of horror. Although slavery had much to recommend it, especially when the relations of the master to his slave were kindly and patriarchal, as was usually the case, yet it must be confessed, that too often there were brutal and shocking exceptions. It was to the interest of the slave-holder to protect and care for his valuable human chattels, whether humane by nature or not, and most men were disposed to obey this law of their being. But unhappily there were exceptions to this law; and men were sometimes found whose natural brutality and insane love of cruelty could not be restrained even by their own interest. In the hands of such men, the lives of the wretched slaves were sometimes shocking because of the constant cruelty they suffered. Another prolific cause of the abuses practiced under the system of slavery was the frequent and continued absence of the wealthy owners from their large plantations, which were left entirely in the charge of overseers, who had not the slightest interest in the welfare of the slaves; and whose chief aim was to exact the greatest amount of labor from negroes, and to raise the largest crops possible, so as to gain the approbation of their employers. Their occupation was brutalizing and their power absolute; and most cruelly exercised upon their helpless victims.

That these abuses of slavery were the exceptions and not the rule is abundantly shown by the fact that the negroes of this county, with few exceptions, remained quietly at home, and at work, while the military occupation of Natchez on our north, and of Bayou Sara on our south, with gunboats at each place, offered them a safe and easily accessible refuge, and the freedom which was the dream of every negro in the South. Surely the burden sat lightly indeed that was voluntarily retained when it could have been so easily laid aside. But the unscrupulous white men who sought to detach the negroes from the white people, and, to make them the instruments of their schemes of plunder, inflamed them against their old owners by appealing to their recollection of past wrongs, and by exciting their fears by the wildest statements until all semblance of kindly feeling towards the white race was banished from the minds of the negroes, and a sullen and suspicious hatred was largely substituted in its stead.

It must be confessed that the Mississippi Legislature of 1865 and 1866, assembled under President Johnson's plan of recon-

struction, afforded good reasons for the belief in the minds of the ignorant negroes that their old masters were secretly conspiring against their newly acquired freedom, and only waited for an opportunity to put their plans into effect. Looking back upon the methods by which that Legislature undertook to deal with the negro problem, one is amazed at such stupidity; at such a display of monumental folly committed by men of ordinary intelligence. Its members seem to have been asleep, like Rip Van Winkle, during the war, and when awakened from their long nap, they began to legislate in relation to negroes just where the Code of 1857 left off.

They began to amend the slave code by conferring "additional rights on freedmen, free negroes and mulattoes." Among the "additional rights" conferred was the privilege of marrying in the same manner as white persons. That is, they were graciously permitted to live in holy matrimony, after God's own ordinance, and were to be no longer compelled to live in legal adultery as required under the slave code. Allow me to say in this connection that I was never able to understand either the wisdom or the necessity of this requirement. As to the slaves, the seventh commandment was deliberately repealed by a Mississippi Legislature, and a large class of human beings required, by law, to disregard the marriage relation and live in a state of legal immorality. I use the words "legal immorality" because the slaves themselves had a rite of marriage of their own in which "Old Master," or a white minister usually read the marriage service at their weddings whereby they sought to fulfill their moral duties.

Are we free from responsibility for the almost total indifference to the obligations of marriage which characterizes the negroes to-day?

Another "additional right" conferred, or rather requirement, was that all freedmen, "free negroes and mulattoes," must have permanent employment on or before the first day of January of each year, and have a written evidence of such employment, otherwise they were liable to arrest, and to be dealt with as vagrants. This law was neither particularly good nor particularly bad, but the motive which inspired it, and which is quite obvious, does no credit to the Legislature which enacted it.

Still another "additional right" was the right to engage in



"job work," but the jobber was required to get a license from the mayor of a town, or from a member of the board of police. This sapient enactment was evidently borrowed from that of the slave code, or custom requiring all negroes to have "passes" when absent from home. If any "Freedman, Free Negro or Mulatto" abandoned his contract, he was liable to criminal prosecution as well as civil penalties, and any officer or law-abiding citizen was authorized to arrest the "deserter" and return him to his employer; and to stimulate the zeal of the officer or law-abiding citizen in executing this law, he was allowed five dollars and mileage for apprehending a "deserter," to be paid by the culprit. Any person who fed or clothed or gave shelter to the wicked "deserter" was subject to criminal prosecution.

Still another act was passed for the benefit of "Freedmen, Free Negroes and Mulattoes" that deserves mention. It is noted for its benevolent and kindly desire to protect and care for the orphans of the "Freedmen, Free Negroes and Mulattoes," and to provide good homes for these unfortunates, and for the unhappy children of indigent parents who were unable to support them!

All civil officers were required "to beat up" their particular bailiwicks twice a year, in January and July, and corral all the little orphan "darkies" "under the age of twenty-one, if male, and eighteen, if female," and to deliver them to the proper authorities to be "apprenticed" to some suitable person. In case children were found whose parents were unable to support them, or in case any one would make affidavit to that effect, they too were to be gathered into the loving arms of the law to be cared for by some loving person who needed a servant!

I am not writing a book, and will not therefore make any further citations from that "Book of Wisdom," the acts of the Legislature of 1865 and 1866. Neither is it necessary to comment on these laws. They explain themselves. Suffice it to say that whether intended or not they established a system of slavery, or peonage, more objectionable than that of the slave code. Under slavery the owner had more interest in caring for his slave than for his mule, because he cost more money. Under this act he had less interest in the welfare of his legal bondsman than in his mule, for the mule cost him money; while the bondsman (he was little else) cost nothing and could be easily replaced.

When I read these laws of our Legislature of 1865 and 1866, presumably enacted by the best intelligence of the State, I was not at all surprised that bitter Abolitionists like Thad Stevens, himself a miscegenationist, should have believed that the reconstruction acts were necessary to the proper administration of justice in the South. But let us "get back to our muttons," as the French express it.

The organization of the State Government under the Constitution of 1868, finally adopted in 1869, began one of the most extensive systems of robbery, through the forms of law, that modern civilization has ever seen, except perhaps the ruinous exactions of the "Farmers General" under Louis XVI. of France, which contributed largely to the revolution that cost him his life and deluged France with patrician blood.

The negroes were crazed and drunken with their new sense of power, which was carefully impressed upon them. Simple, credulous, ignorant and more or less vicious by reason of the inflammatory teachings of their self-constituted masters, they acted like madmen from the first. "The bottom rail was on top," as they pithily and vigorously expressed it; and they used the license which they substituted for liberty, with reckless disregard of the rights of others.

The foolish creatures contented themselves mainly with Loyal Leagues and a few minor offices, which paid only small salaries, and processions with gaudy flags and banners on which were displayed inscriptions that appealed to their passions and which were designed to humiliate the white people.

Woodville is built around a plaza, after the Spanish fashion, with the courthouse in the center, and it was not uncommon to see a thousand negroes on foot and on horseback, marching around the public square, and yelling like madmen. On such occasions the business houses would be closed, and white people would keep off the streets. Most of the negroes would be drunk with some vile imitation of whiskey. On such occasions, to the credit of their leader, be it said, he used his authority as sheriff to disarm them before admitting them to the town, and thus no doubt, prevented serious riots between the races.

Another cause that contributed to the exemption of Wilkinson county from actual bloodshed was this: While the white citizens

submitted to outrage and oppression because it was backed by the moral, and if necessary the physical power, of the United States, which they had so recently, and so fatally felt, still there were many veterans in the county, with manly sons, who were ready to try conclusions with the negroes and their white leaders should excuse offer; and this was well understood by all parties.

It is remarkable that during all that period of wild excitement, of bitter antagonism, of deep wrong on one side, inflicted through the agency of a servile race upon one of the bravest and proudest people on earth, there should have been so little of violence and bloodshed, as was the case in Wilkinson county. Of course, the causes are readily understood. The white Republicans wanted money, not blood, and it was to their interest to keep the peace. Like the vampire, they preferred to fan the victim and keep him quiet while they sucked his blood.

Another cause of the small amount of bloodshed was the fact that the negroes had not lost their fear and reverence for the men who had so lately owned them, and were loath to provoke their wrath to the point of action. And still another cause was the noble forbearance of the white people, under a most humiliating persecution.

But the negro was not so peaceful in his bearing towards men of his own race who dared to think and act for themselves in political matters. For one of them to vote for a Democrat was almost to challenge certain death, unless prompt protection was given by the white people. So great was the terror inspired by the persecution of Democratic negroes that few if any withstood it.

I well remember an exciting scene, in which I was an actor, that illustrates this condition. At a certain election, the courthouse yard and square were crowded with negroes, as was the case at all elections. There was some show of contest, as the Democrats voted to preserve their organizations, and a gentleman of standing induced an old negro, whose confidence he enjoyed, to vote the Democratic ticket. The fact was noted and the alarm given by some negro at the poles, and instantly the entire body of negroes rushed towards the old man with shouts of "kill him," "kill him." They acted more like a pack of hungry wolves than like human beings. The old fellow's white friend stood by him; beating the black devils off; and dragging him to the shelter of



a store across the square; which they reached with the mob at their heels, and were locked in. A few citizens saw the situation and ranged themselves with drawn pistols (in those days pistols were a necessary part of a gentleman's dress) along the sidewalk and quietly told the leaders of the surging mob that the first person to touch the sidewalk would die. This had a very perceptible effect on those in front, no one person being quite ready to offer himself as a sacrifice for "de party," and it was really amusing to note the desperate efforts of those in the front rank to back against their comrades in the rear who were pushing them on the muzzles of "forty-fours at full cock." One of the white bosses threw himself in front of the mob and between the pistols and the mob and urged and pushed them back. One of the picket line said to him, by way of encouragement, "You had better keep them back for I will kill you first, if a negro touches the sidewalk." As the peacemaker was within three feet of the line of six shooters in his rear and confronted with an impenetrable wall of crazy negroes he knew that the threat was not an idle one and so promptly redoubled his efforts. Fortunately the negroes abated their wrath, as they are apt to do under like circumstances, and what promised at one time to be a bloody affair ended peacefully.

At a subsequent election there was again a narrow escape from a serious riot. It happened this way. The town having a majority of white voters, elected Democratic officers, and among others a recklessly brave man as marshal. At the election referred to the conditions were as usual. In the early days of his citizenship the negro delighted in the exercise of his privilege as a voter, and celebrated the occasion in the usual lawless manner. A drunken negro violated some town ordinance and the marshal undertook to arrest him in the midst of his fellows assembled in the courthouse yard to the number of at least five hundred. The offender resisted arrest, and the marshal promptly reduced him to order by shooting him in the leg. At once pandemonium reigned. The negroes surrounded the marshal, yelling and displaying pistols, and attempting to rescue the prisoner. He took refuge on a box placed against the wall of the courthouse, used as a sort of auction block, placing his back to the wall, he covered his front with an impressive pistol, and so stood off the mob until

rescued by some white friends. The gallant fellow held on to his prisoner through it all and carried him in triumph to the jail. Here again a murderous race-war was avoided by the courage and forbearance of the white people under very trying conditions, and by the cowardice of the negroes. Every white man in the town was armed and they were thoroughly organized. Loaded guns were deposited in the various stores and buildings around the square and had a pistol been fired by the blacks a bloody vengeance would have been wreaked upon them by the infuriate white people.

These incidents sufficiently illustrate the condition of the county during the entire period of reconstruction. They continued unchanged until the final overthrow, in 1875, of the miserable and vicious satire upon state and county government which cursed Mississippi for five years.

While the wisdom and prudence and courage displayed by the white people in these trying times deserve the highest praise, yet I think a kindly word should be said of the poor, deluded negroes who were only the misguided instruments of unscrupulous white men. They gained nothing while enriching their dishonest and self-appointed guides, and when the hour of retribution came they were left to their fate. I doubt if any other race of men would have worked as little harm, under like conditions. Densely ignorant, and little above a child in their development; recently freed from a repressing slavery; clothed with a freedman's most sacred right, the right to vote; and placed above their former owners with power to oppress; their minds instilled with bitter hatred against those they had lately served; and made the blind, unreasoning dupes of wicked and designing men, the wonder to me is that they were not very much more vicious than they proved to be. But, however that may be, it is certain that their acts at that time worked irreparable injury to them, and that they are still suffering the consequences of them. They lost in a great measure the kindly feeling of the best friends they ever had or ever will have, that of their former masters, and of their boyhood's companions. The breach then made will never be entirely healed. Between the younger generations the breach is widening, and when the old master and the old mistress and the kindly old slave shall all have passed away—and only a few are left to go—

the relations between the races will be less kindly than they are now, or have been in the past.

The writer has but little sympathy with the so-called "race issue" which politicians drag into every campaign in the South; just as the "bloody shirt" has been waved in presidential elections in the North.

It is unfortunately quite true that, at the time of which I am writing, the seeds of enmity between the two races were successfully sown, and that they germinated and bore fruit. This was not difficult. There is, and always will be, some degree of antipathy existing between different types of the human race, especially between the Caucasian and the darker races; and this natural tendency made it all the more easy to create discord between the ex-slave and his old master. The kindly relations formerly existing between them were rudely severed, never again to be fully restored. The simple, credulous negroes fell an easy prey to the sinister influence of their white leaders, and soon forgot the good that came to them under the almost paternal conditions of slavery, and remembered, and with bitterness, only the bad. Naturally that bitterness has increased in their descendants, who, unhappily for them, have never known the white people of the South in any other relation except that of antagonism.

Of course, so long as these two races live together as they do now, this feeling of antagonism will occasionally express itself in acts of violence; and now and then there will be local riots between them, which are absurdly dignified by the newspapers as "race wars." But these sporadic outbreaks will always be put down by the strong hand of the white people, just as they are now put down; and the foolish negro will continue to be the chief sufferer. So far there is a "race issue" and no farther.

But God rules, and under His guiding eye this question, which troubles us now, will be settled in the fullness of time. Already forces are in operation that tend to its solution and history does not leave us entirely without some light as to whither they are tending.

All down the ages, where a superior and an inferior race have come in conflict, the weaker has invariably gone to the wall, if it has not been exterminated. The negroes are drifting away in spite of the vigorous efforts of their friends of the North to drive



them back upon the South. This emigration is steadily increasing. This is one factor in the solving of the question. Under the care of their old masters the blacks were more prolific than the whites; now the reverse is true to a marked degree. They were also shielded from diseases that are now prevalent among them. Consumption, for instance, was practically unknown among negroes under slavery. Now it is quite common, and on the increase. And so with other types of disease. This is another factor. These processes are slow but they are sure, and in time the matter will adjust itself as similar issues always have been and always will be adjusted. This subject is a most interesting one, and I have given it much thought, but in this article it is a digression for which I ask pardon.

Wilkinson county suffered most in a pecuniary way, and suffered greatly. As I have before stated, the white leaders, who controlled its destiny during the reconstruction period, were solely intent on making money. A majority of them were men of some refinement and culture and they were not in sympathy with the negro personally. They only used him as a means to an end and used him just as little as possible to accomplish that end.

The men of Wilkinson county were high-spirited, and were never so depressed as to submit to personal insult from any one, and especially from negroes. These were soon made to understand that while they could drum and fife and parade and vote the radical ticket and make fools of themselves generally, insolence to a white man would provoke a bullet in return; and as they did not have the sympathy or support of the Republican bosses in such affairs, they carefully avoided personal difficulties with the white people.

There was another singularly exceptional condition in this county that tended to soften the harshness of reconstruction. The white Republicans contrived to remain on friendly terms with most of the citizens and to that end were as free in their use of money as they were in taking it from the treasury. They were pleasant and agreeable companions, of good address, and shared the pleasures and sports of the "jolly good fellows" of the county. It is much pleasanter to be robbed by a Claude Duval than by a Black Bart; and so these industrious "Farmers General," or "Moral Agriculturists," as Dickens calls them, were allowed to

pursue their avocations with little protest, which would indeed have been useless at the time.

Upon the first organization of our county government under the reconstruction acts, the board of supervisors was carefully selected for the business it was designed to do. It was composed of three negroes and two white men; and the clerk, though a man of polished manners, was a most unscrupulous scamp. As the board of supervisors is the county legislature and levies taxes and makes appropriations, it was important that it should be properly organized for the work in hand; and so it was. It proceeded at once to business, as we shall see.

There were no complications in the method of filling carpet-bags and trunks. On the contrary, it was exceedingly simple. It was only necessary to give out contracts for every conceivable purpose—and the wreck and ruin of war afforded abundant pretexts—at extortionate rates, until the revenue was exhausted, and then to issue county warrants in payment. In this way the county was flooded with these warrants, which were greatly depreciated. At one time they were worth only fifteen cents on the dollar, and twenty cents was about the average. In the payment of contracts they were received only at their market value and this caused all public works to cost the county five times their real value. The next step was to provide a financial agent, and one was found in the person of a carpet-bag merchant, whose duty it was to act as fiscal agent for the “ring,” and to buy up all warrants issued upon the county treasury at the market price. He managed the business well, and is now a millionaire in New York city.

The next step was equally simple. When a sufficient quantity of county warrants had been accumulated the two negroes, who represented the county in the Legislature and were in charge of a white legislator who was usually a Senator, were required to have enacted a law authorizing the board of supervisors to fund the warrants in bonds. Usually these bonds were issued in blocks of \$30,000 and the interest was ten per cent per annum, just fifty per cent per annum on the original investment in warrants.

Of course, this very satisfactory financial operation was open to only a few favored officials. I find, from inspection of the acts of the Legislatures that during the session of 1871,<sup>2</sup> Wilkinson

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<sup>2</sup> *Acts of 1870*, page 817.

county was authorized to issue \$30,000 in county bonds. In 1872<sup>3</sup> there must have been more than thirty thousand dollars in county warrants outstanding; for I find that the Legislature of that year authorized the board of supervisors to issue bonds for *all* warrants issued prior to March 1, 1872. These bonds also bore ten per cent interest. What amount of bonds were issued under this act I am unable to ascertain. Many of the records of the reconstruction era are lost or destroyed and the exact information cannot be obtained. It is certain, however, that this issue was for more than \$30,000.

The same policy was pursued in 1873<sup>4</sup> and all warrants issued prior to April 1, 1873, were authorized to be funded.

In 1874<sup>5</sup> no bonds were issued, but instead the board of supervisors was required to pay out of the treasury all warrants as they were presented and not according to priority of date, as had been done before that time. It is evident from this new policy that the treasury was full of money received for taxes, and that the fiscal agent had a carpetbag full of warrants, and that some issues of older dates had escaped him, and were in other hands.

In 1875, the last year of the reign of the carpetbaggers and their native allies, it was found necessary to have all warrants receivable for taxes,<sup>6</sup> and the remainder, still outstanding, funded to the amount of \$30,000 in the ten per cent interest bearing bonds as usual. This was a "bumper" year in the financial crop so successfully garnered by the "Moral Agriculturists" of Wilkinson county. It must be understood that all these issues of bonds were in addition to the revenue collected yearly from the tax payers of the county, and that in their hasty flight from the wrath of an outraged people they left over thirty thousand dollars of outstanding warrants which they had no time to convert into the usual block of bonds. All of these warrants were finally paid in full by the taxpayers.

I will now furnish some illustrations of the methods pursued by the radical bosses in squandering the revenues of the county, and in flooding it with depreciated warrants for the purpose of

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<sup>3</sup> *Acts of 1872*, page 176.

<sup>4</sup> *Acts of 1873*, page 321.

<sup>5</sup> *Acts of 1874*, page 47.

<sup>6</sup> *Acts of 1875*, page 242.



having them funded. The facts stated are entirely authentic and were verified from the records at the time and published in a Democratic paper edited by the writer, and are still remembered by the most of the citizens of this county.

The first board of supervisors under the reconstruction acts, that of 1870, was composed of two white men and three negroes. The president was a white man, a resident of the county. His eminent qualification for the work before him is evidenced by the fact that he afterwards procured from this board a contract to build a bridge (using the name of a figure head, as contractor); gave the required bond; sold the necessary lumber to the county, and got paid for it; never built the bridge; nor delivered the lumber; and finally had his bond canceled. This was certainly a case of "clear profit." His part of the transaction ended there. His duty was to issue warrants and put them in circulation, no matter what means he employed, and he was entitled to such gain as his rascally methods brought; but he had no entrance into the higher sphere of finance. This was reserved for the bosses. The purchase of warrants and their conversion into bonds at five times their cost was a financial scheme reserved specially for the few who controlled affairs. Two other members of this board were negro laborers, another was an educated negro of some ability and no conscience, and the fifth member was a white planter, a Democrat and a gentleman. Just why he was allowed on the board I have never quite understood. We find him voting "no" on most propositions in the minutes of the board, and, of course, in a very helpless minority.

The first field of operations selected by this "Honorable" Aggregation of Rascality, was bridge building. This field was a fine one, for many bridges were greatly needed by the people, and local traffic was greatly impeded for lack of them. As less complaint could be made for extravagant expenditure in this direction than in any other, it was well chosen.

The plan adopted was for the real operator to obtain a contract from the board of supervisors (the four Republican members of which had to be feed of course) in the name of a "dummy," usually a negro, at a price which covered all expenditures, bribery included, and on the basis of the market value of warrants. For instance, if the construction of a bridge would really cost one

thousand dollars, and county warrants were quoted at twenty cents on the dollar, the bid would not be less than seven thousand five hundred dollars: five thousand dollars for actual construction, and at least fifty per cent more for a marginal profit to the real contractor. I am satisfied that this margin was more frequently one hundred per cent on the actual cost of construction, than fifty per cent.

To illustrate, it became necessary to place culverts across a public road running along the highways, and to bridge a small wash-out. The "bridges" were let out by contract to the lowest bidder; and were constructed by laying logs across the ditches and making a floor of one by twelve inch pine plank. The floor of the first of these bridges contained four of these planks and was therefore four feet wide; the second contained eight planks, and the third twelve planks. I counted them myself. The three so-called bridges cost the tax payers of Wilkinson county fifteen hundred dollars.

In looking around for jobs the board of supervisors decided to repair the courthouse. This was a two story brick building, with the court room below, and the clerks' offices above. The repairing consisted mainly in reversing this arrangement, which necessitated the remodeling of the interior of the building, and gave occasion for the letting out of a fine warrant-bearing contract. This courthouse cost originally about twelve thousand dollars. A skilled architect offered to take it down and rebuild it, as desired, for thirteen thousand dollars. This proposition was refused, of course. This job cost the county about thirty-five thousand dollars; and as the framing timber for partition walls was hewed out of the second growth of sap pine, its last condition was worse than the first. In a few years the work had to be done over again.

The price paid for mess pork for the use of the jail was one hundred and twenty dollars per barrel in county warrants. Forty dollars per barrel was paid for corn meal.

I could multiply examples of the ruinous extravagance practiced by these officials but it is unnecessary. These I have given were selected at random, and afford a fair illustration of this reckless and criminal abuse of power in the interest of greed.

As a rule, these plundering operations were carried on under

the forms of law, but there were exceptions and even this flimsy veil was sometimes cast aside and the actors were criminals in the very letter of the law. The chancery clerk, who was also clerk of the board of supervisors, conspired with the negroes of the board to issue fraudulent warrants for spurious claims at fictitious meetings of the board and then sold the warrants in the market. Before these forgeries were discovered about fifteen thousand dollars of fraudulent warrants were placed in circulation. This was near the end of reconstruction. These warrants were duly funded in the last batch of interest bearing bonds issued by the Republicans, and thus helped to swell the plunder of the bosses while it profited the thieves.

There was a sequel to this fraudulent transaction. After the Democrats had assumed control of the state and county governments, these void warrants were traced directly into certain specific bonds, which were thereby vitiated. But these bonds were found in the possession of a Democrat, and out of tender consideration for his character and pocket the Democratic officials stopped all judicial inquiry, and permitted him to retain his share of the plunder. Thus the tax payers were knowingly defrauded by their own chosen officers, who became parties to the swindle. Humanity seems to be much alike under similar conditions, whatever be its politics or its faith. In fact, during the entire reconstruction period there were influential Democrats who openly defended, and gave aid and comfort to those who were robbing their fellow citizens. And the shame of it was they received only a few crumbs, and thus sold themselves cheaply for a mess of pottage.

In order to supply the greedy demands of the cormorants and of the black carrion crows which infested the county, it was necessary to "squeeze" the people, as Mr. Panks did in "Bleeding House Yard." To that end our parti-colored board of supervisors levied a tax for the year 1870 of thirteen hundred per cent of the state tax, and the state tax was five mills, the county tax for that year was 65 mills or  $6\frac{1}{2}$  per cent. Just how the taxpayers bore this ruinous burden is difficult to perceive. At the present time a county tax of 6 mills is complained of, but here the people were forced to pay seventy mills, or seven per cent, ad-valorem, on all their property to feed the rapacity of a lot of adventurers,



who were fastened upon them by the reconstruction acts. This was confiscation, and so it was intended to be.

It would be difficult to give a more appalling illustration than this of what negro domination meant to the white people of the South in those days; or a better reason why it will never be again, let the cost be what it may. I cannot give the aggregate amount of this tax, since all record of it has disappeared, but as the county was a wealthy one before the war, and much of its wealth remained after it, the total sum collected must have been enormous.

But fortunately for the tax payers, this attempt at a wholesale confiscation was not satisfactory to the bosses. They were too wise to kill their goose; and highway robbery was more or less shocking to their aesthetic tastes. Methods more refined, but no less efficient, could be found to plunder the people; and so a halt was called upon the zeal of their more brutish but not less greedy "pals." In 1871 the total tax demanded was only two and four-tenths per cent, and it continued to be lowered afterwards. The funding plan was in better taste, and quite as effective. The two plans strikingly illustrate the difference between the white man and the negro. The latter, suddenly given the power to help himself, acted just as does a hog who gets into a cornfield; while the former is no less greedy but in a less offensive way. The bonds postponed the evil day, or removed it out of sight. People are easily reconciled to incur obligations which a later generation is to pay.

In 1871 our board of supervisors, composed of different members, but of precisely the same complexion, undertook to enlarge their field of operation and voted \$300,000 in bonds to the stock of a railroad, which existed only in the imagination of a shrewd promoter, and an election was ordered, and the bonds voted for. For some unknown cause this scheme of robbery ended there, and no bonds were issued. It is probable that the old adage about disagreement among thieves suggests the true cause why the taxpayers escaped this infliction.

I have given a fair statement of the conditions and financial management of Wilkinson county during the reign of reconstruction. Nearly all of the facts stated are supported by record evidence, and are, therefore, free from exaggeration. I have been

actuated by no feeling of malice in writing the details of those days of trial, when the people of the South were bound hand and foot and delivered over to be plundered and oppressed.

I have written simply that the truth may be preserved to future history. In proof of this I have called no names. Some of the actors are dead; some are still living. They were not wholly bad, and some are living useful lives to-day. So far as the mere instruments of this reconstruction wrong are concerned history does not demand, nor need, to give them an undeserved place in its pages. As to them, let their names be forgotten; "let the dead past bury its dead." There was one among the radical bosses of Wilkinson county who shared all the temptations and opportunities of his fellow officials, and yet left the county a poor man. He represented it in the Senate, and afterwards filled a high State office. It would be difficult to persuade the people of this county that he was a dishonest man in the full sense of the term.

I am largely indebted to Mr. W. C. Miller for valuable assistance in gathering record information which would have taken more time than I could have spared. He was a Republican official in those days, and therefore enabled to aid me materially in my researches. Mr. Miller has the honor to be a poor man, and though the sole white Republican in Woodville, his Democratic fellow citizens persist in retaining him in the office of mayor of Woodville.

There was an aftermath to this reconstruction period; and I will close this article with its history. While the negroes, as a rule, were peaceably inclined after being deprived of their power, they were restless and dissatisfied. They were like children whose toys had been taken from them. They mourned the loss of the little offices they had filled; of the enjoyment of their political parades; of the beloved Loyal Leagues; of the inestimable privilege of getting drunk on mean whiskey without fear of arrest; and they were particularly disgusted to find that a big majority of Republican votes could no longer elect a Republican to office! All this was different from the unrestricted exercise of power they had so lately enjoyed, and so outrageously abused. Very naturally they were discontented at the change, and were fit subjects for designing and more daring men. There were a number of

vicious and insolent negro leaders who had survived the overthrow of the party, and whose easy occupations were gone. These men began at once to foment trouble between the races; and to incite the negroes to insurrection. This was easy to do, for reasons already given. The average negro's range of knowledge was very limited, and they were made to believe that the numerical majority they possessed in Wilkinson county existed throughout the State. Consequently they were easily persuaded that the white people could be readily overpowered by proper methods.

I well remember the startled exclamation of one old "darky" as a column of about three hundred horsemen rode by. "Lordee! I nebber knowd dere was dat many white men in all de country"; and he expressed the views of most of his race.

The discontent thus excited culminated in May, 1876, in a riot. It was reported at the time that there existed among the negroes a preconcerted plan for their simultaneous uprising, at a given time, for the murder of the white people. Whether this was true or not has never been positively known. That there was some concert of action among them is certain from the extraordinary rapidity with which they took up arms throughout the county, upon the premature explosion of their conspiracy.

Several of the leaders were preachers. It is a fact, demonstrated by experience, that the combination, in one negro, of preacher and politician, is always dangerous to the peace of a community. Such a combination existed in one who was also an ex-Federal soldier, and so he must organize and drill a military company in secret. This pot-valiant hero was thirsting for gore, and fortunately for the whites, could not be restrained. He made a gallant night attack upon the store of a country merchant, killed him, wounded his negro clerk, and of course robbed the store. This outbreak was said to have been just one week before the time fixed for the "rising."

Next day a small sheriff's posse attempted to arrest some of the rioters, but they were organized, and fired upon the posse. This affair set the county ablaze. Anticipating some such trouble, the white people had arranged a system of signals over the county, by means of anvils and powder, and the alarm was promptly given. About sixty white men, well armed, were soon assembled



and this body of rioters was attacked and routed, and two of their leaders, including the fighting preacher, were captured and speedily hanged.

A body of about two hundred and fifty men were promptly mustered, and at once marched into the "black district," where we found the negroes generally in arms, and waiting for us. The county was well adapted to guerrilla warfare, being hilly and covered with cane, and trouble was anticipated in quelling the riot, as there were between two and three thousand negroes under arms. This fear proved entirely groundless. The poor, deluded creatures could not stand before the whites. We came upon a line of battle in an old field, which had been formed by some of the negro ex-soldiers, and promptly charged them in columns of four, never stopping to deploy, which would have been an exceedingly dangerous maneuver against braver men. Some of our men dropped out of the ranks and picked off a few of them at long range, when they scattered like a covey of birds, and escaped without further harm.

A column of whites from Amite county and under Colonel Jackson, and another from Louisiana, under Colonel Powers, numbering about two hundred and fifty men each, were also operating in the western part of the county. Colonel Jackson met and attacked another party of negroes and killed fourteen of them, when the rest fled and concealed themselves in the cane thickets.

Two of the white commands, that from Wilkinson, and the one from Amite, met at Fort Adams, a town on the Mississippi river, for the purpose of a combined attack on a large body of rioters reported as assembled on "Old River." This is an old bed of the river left by a "cut off," as such changes in the Mississippi river are called, and is about twenty miles long and bordered on each side with large plantations. At this time the overflow from the Mississippi had reached a stage which converted these plantations into narrow islands. We could plainly hear the sound of the drums of the foolish negroes beating their defiance to their white foes.

The plan of attack agreed upon was to push through the swamp in boats along the flooded roads, and effect a landing, and attack

them in the rear. It was thought a hundred men would be sufficient for the purpose.

While we were making preparations for this attack the steamer *Natchez* landed at Fort Adams, and Captain Tom Leathers, her commander, promptly offered to transport our entire force, horses included, on his boat to the scene of action. This would have simplified matters, and a council of war was called to consider it.

It was desired by the whites only to suppress the insurrection with as little loss of life as possible. Their resentment was mainly against the leaders, and none of them were spared when caught; but only pity was felt for their ignorant dupes. To have accepted Captain Leathers' offer and to land five hundred men among these trapped negroes would have resulted in their total extermination, and so it was declined. Messengers, one a negro, and one a white man, whom they trusted, were sent to warn them to disperse; and to advise them of the force ready to attack them, and they promptly scattered. Thus the forbearance of the whites saved the deluded wretches from a most horrible massacre.

I will give another instance of the great forbearance displayed against those crazy creatures by the men they had so recently helped to rob and to humiliate. A hundred or more of them had mustered at a little settlement called Pinckneyville, and spent the day in vaporings, and in marching up and down the public road breathing out mutterings, and slaughter, against the white people, for whom they loudly professed to be waiting. Most fortunately for them they left a few minutes before a column of whites did arrive under command of the writer. They were promptly pursued, and we came in sight of them at the "negro quarter" on a large plantation, making a display of their valor before an admiring crowd of women and children. It was nearly dark, and we were still unseen by the foolish creatures. It was difficult to restrain the men from charging them. The owner of the plantation, a gentleman universally respected—an old Confederate soldier—Gen. W. L. Brandon, appealed to us not to attack them; as a melee in a crowded "negro quarter" at that hour must result in the death of many innocent women and children; and he promised to bring them to our camp next morning, which he did. A more cowed and frightened set of

fools was never before assembled. They were released in peace and cautioned to "go and sin no more."

Two of the most vicious and turbulent political leaders, the chief instigators of the riot, had been captured the day before. They were given a hearing, and their active agency in inciting the riot being clearly established, were hanged.

The backbone of the riot was now broken, and there was no further armed conflicts between the races after this. Not one white man was killed or wounded in this affair, and only about twenty-five negroes. This small loss of life where so many persons were in arms was very remarkable.

This was entirely owing, as I have said, to lack of courage in the blacks and to the generous forbearance in the whites.

Courage is largely dependent upon a sense of self-respect and upon training. Most men, whether savage or civilized, possess animal courage and will fight when provoked to anger; but the highest type of courage, that which impels a man to sacrifice life for a principle, is known only to civilization and enlightenment. There was nothing in the lives or conduct of the negroes to develop this kind of courage. They also lacked the training necessary for organized warfare. On the other hand, many of the white people were ex-Confederate soldiers, inured to war, and accustomed to obey; and were therefore easily controlled and restrained. All these conditions contributed to the suppression of this riot with so little loss of blood.

The negroes were aroused by runners who went among them with blood-curdling stories of how the whites had begun a war of extermination upon them; and were only a few miles away burning and slaying, and that they must fly to arms and defend themselves or die like sheep in the shambles. In this way the real conspirators had little difficulty in playing upon the fears of their simple-minded dupes, and inciting them to insurrection.

There was another very potent cause which contributed to the speedy suppression of the riot. The leader of the Republicans in the county, as I have stated already, was still sheriff, and was not in sympathy with the negroes. He promptly invoked the power of the law, and by an understanding with the white people he was to call in their aid where he failed to disperse the rioters by his own efforts. In return for this the whites were to respect



his authority and to deliver to him all prisoners arrested. It was tacitly understood that certain individuals were not entitled to the protection of the law, nor did they receive it. This compact was faithfully kept on both sides. Afterwards, before a Senatorial Investigating Committee, composed of Senators Boutwell and Cameron—two intensely bitter partisans—and Senator Bayard, our sheriff, stood by us manfully, and took upon himself the entire responsibility for the suppression of the riot, and the loss of life it caused. Since then Wilkinson county has enjoyed an undisturbed peace between the races. I sincerely hope it may never be broken. If it should be there would be a bloodier story to write than this. The negroes would not be so helpless, and the kindly feeling of the past on the part of the white people towards the negroes has greatly diminished. There is little in common between the present generation of the two races; and the old one is passing away.



## SOME EFFECTS OF MILITARY RECONSTRUCTION IN MONROE COUNTY, MISSISSIPPI.

BY R. C. BECKETT.<sup>1</sup>

After the constitution adopted by the convention of 1868 failed of ratification at the election in July, of that year, General Gillem was relieved and General Adelbert Ames, of Massachusetts, was appointed military governor. Under his regime, Col. J. L. Herbert, a brave citizen of the county, who had practiced law at Aberdeen, having been shot through the body in a personal difficulty before the war, turned Republican, and was appointed circuit judge. A man by the name of Holle, a non-resident, was appointed sheriff of Monroe county; another non-resident, Mr. Woodmansee, was appointed chancery clerk, then the most lucrative position in the county; another non-resident, Maj. A. J. Huggins, was appointed superintendent of education; and another non-resident, a Mr. Lacey, was appointed mayor of Aberdeen.

A certain coterie of us, consisting of Needham Hatch, Ben Holiday, Ed. and Button Love, D. Terrell, Robert Maynard, Marion

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<sup>1</sup> Richard Capel Beckett was born about one and a half miles below Pickensville, in Pickens county, Alabama, on August 24, 1845. He is of Scotch-Irish ancestry on his father's side, and of Norman French on that of his mother.

His paternal grandfather, James Beckett, Sr., and grandmother, Margaret, were natives of County Antrim, Ireland, whence they removed to South Carolina in the latter half of the 18th century. The grandmother was a member of the Presbyterian Church in Columbia, S. C., of which Dr. B. M. Palmer was pastor before his removal to New Orleans. His father, Dr. James McKinney Beckett, was the thirteenth of fourteen children. After his graduation at the University of South Carolina, he engaged in teaching. He married one of his pupils, the daughter of Chancellor Johnston. He had one brother, David, and twelve sisters. One of his sisters married a Robinson, one a McMillan, one a Gladney, one a Mr. Donelson, a Presbyterian minister. The daughter of David Beckett married a Ewart. Their descendants are scattered through South Carolina, Florida, Mississippi and Arkansas. His nephew, Rev. R. A. Gladney, familiarly known as "Parson" Gladney, established the Female College at Aberdeen, Miss., where the public school now is.

After his graduation at the University, Dr. Beckett went to a medical college. After receiving the degree of M. D., he began the practice of his profession. Upon the death of his first wife he removed, in 1836, to Pickens county, Ala., where in 1840 he married Mrs. Willie E. Carleton,



and Henry Roberts, and others mentioned herein, besides still a few others, spontaneously concluded to make it as disagreeable as possible for these so-called officials. We had co-adjutors across the river, and especially at a place named Old Hamilton, where we were certain of the support and help of such young men as my brother Frank Beckett, Barbour Quarles, Dr. Dudley Hutchinson, John Roberts, Jim and Wm. Butler, Billy Walton, John Willis, Plummer Willis, and some other tall "six-footers" like Plummer.

The facts here given relate to a period of military rule (1868-1869), closing December 1, 1869, with the adoption of the constitution when it was submitted by General Grant with certain objectionable parts expunged.

In this period everything was in confusion. The northern politicians who settled in the South did not understand the negroes, and were both incompetent and unwilling to control them for good. This state of affairs led to the formation of the celebrated

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born Capel. She was the daughter of Britton Capel, whose ancestors were citizens of Baltimore, from which place he moved to Montgomery, Ala., where he married a Miss Terrell, and became a Methodist minister. He had two sons and two daughters. The oldest daughter, Louisa, married Mr. Ben Tarver, and the youngest, Willie Elizabeth, married first Mr. Warren Carleton, and after his death, she married Dr. Beckett. Dr. Beckett was a member of the Alabama Senate, and one of the board of trustees of the University of Alabama, and was a presidential elector on the Cass and Taylor ticket. He was born in Columbia, S. C., on March 14, 1805, and was a friend and great admirer of John C. Calhoun. He moved from Pickens county to Monroe county, Mississippi, in February, 1853, and for two or three years lived on his two farms, but in 1856 he purchased the Aberdeen Gin Factory from Messrs. Gladney and Gullett, and moved to Aberdeen. Mr. Gladney retired from the business, and Dr. Beckett and Mr. Gullett, the inventor and patentee of the Gullett gin patent, divided territory, Mr. Gullett taking the part west of the Mississippi river, and establishing a factory at Amite City, La., and Dr. Beckett remaining at Aberdeen, and taking the territory east of that river. They made five sizes of gins, a 40 saw, 50 saw, 60 saw, 70 saw and 80 saw gin, and the agreed price was five dollars a saw, about 50 per cent. of which was clear profit. The 80 saw gin was run by steam, and later, on account of the demand, they also began making a 45 saw gin. The factory at Aberdeen, when the war began, was making about three hundred gins per year, and could not supply the demand. On account of the heavy demand, and the need for more capital, Dr. Beckett took Dr. J. L. Tindall into co-partnership, and the firm was Beckett and Tindall.

The factory occupied the space in Aberdeen now occupied by the Kansas City depot. It was a long brick structure about 200 feet wide, and 600 feet long, and included in its operations were a foundry, a blacksmith shop, a planing mill, a dry lumber kiln, a corn mill, a flour mill and a wool carding machine. The flour mill had a capacity of ten bushels per hour, and was kept busy running all the year round, which shows that the farmers in Mississippi could easily raise all the flour they use, if they tried.

Ku-Klux Klan, of which I had the honor to ————. It was not intended to resist Federal authority or to be inimical to the North, but was intended to protect the families of the white people, who had absolutely no other protection, from the threatened and rising arrogance of the negroes. Sometimes the acts of the Klan seemed cruel in proportion to the provocation, but they were justified by the fact that every little insolence, if left unnoticed, would be bragged about by its perpetrator and fellow observers to the other negroes. The news would spread with great rapidity, and there was no telling where it would end. Hence it became necessary to deal with it in its inception. So when a leading negro would make himself particularly obnoxious, one who ought to know better, and was considered dangerous, he was selected as an example.

While it was not intended originally to interfere with the white men, still when they would stir up the negroes and take their part against the whites, they would naturally become *persona non grata*, and at a meeting of the Ku-Klux Klan of the vicinage the matter would be discussed and a decision reached as to what it would be best to do.

Major Huggins in his rounds of the schoolhouses and negro

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R. C. Beckett was the clerk and superintendent of the corn and flour mills and wool carding machine during the spring and summer of 1861. At that time the factory was turned into a gun and cannon factory, and he became the bookkeeper for the new enterprise. All the old sporting rifles in the country were brought there and bored out and rifled so as to carry minie balls, with which the militia and State troops were armed. For the purpose of directing in the making of these guns and cannon some expert men were imported, but two of them turned out to be Yankee spies, for one night in April, 1862, the factory was burned to the ground, and these two men disappeared, and have never been heard from since. When the factory was burned R. C. Beckett joined his brother's Company I, 41st Miss. Regt.; and later Col. C. G. Armistead's 16th Confederate Cavalry.

After the close of the war he was employed as a salesman in a store a short time. He then engaged in teaching near Buena Vista, in Chickasaw county, Miss., and studied law at odd times. At the end of his school term he removed to Aberdeen, where he continued his law studies under Col. R. O. Reynolds. He was admitted to practice law in February, 1868. In August, 1871, he moved to West Point, Miss., where he has since resided and practiced his profession.

Sketches of Dr. Beckett will be found in the *History of Pickens County*, by Nelson F. Smith, and in Garrett's *Public Men of Alabama*. Sketches of R. C. Beckett will be found in Goodspeed's *Biographical and Historical Memoirs of Mississippi* and in vol. 7 of *Confederate Military History*, edited by Gen. Clement A. Evans, of Georgia.—EDITOR.

churches of the county got to impressing on them that they were as good as the whites, and ought to assert themselves. It began to make them very restless and intractable, and it became necessary to take action. Therefore, the next time he came across the river, his movements having been watched, the Klan swooped down on him, and took him to a secluded place and told him that he must leave the country. He was pretty gritty, and refused. He was then whipped with a stirrup strap, but took it like a little man, and declined to make any promise. Matters then got serious, and it began to look as if he would have to be killed; for, of course, the incident could not end there. Finally a tall "six footer" walked up and said to hand him the strap. He deliberately turned the buckle end, and, with a terrific swing, he brought it down across the shoulders of Huggins. This seemed cruel, but it was this or death. After a few such strokes, Huggins said he couldn't stand it, and would leave. He did leave, but after a time came back again. When he got an intimation that he was guilty of breach of faith, I understood he denied it, and said he had promised to leave and had kept his word, but that he had not promised not to come back again. It is nevertheless a fact that, after he came back, he became much more conservative; and as he, from that time, took the side of the white people against the more radically disposed negroes and white republicans, he gave very little cause for further complaint.

The next to receive our attention was Colonel Herbert. Mr. F. G. Barry had had some trouble with him over a case in his court. Herbert boarded at the old Minnis House, which then stood on the southeast corner of the lot on which the Baptist church now stands, facing Commerce street. Herbert was consorting with the negroes, and had turned his boarding place into a kind of arsenal. We determined to show him our disapproval. One night Mr. Barry went there and called him out. He seemed to be expecting trouble, and came out with a double barrel shotgun, loaded with buckshot. As he stepped out, he commenced firing. Mr. Barry was standing near a side gate, and Herbert got to the front gate. They fired at each other along and over the tops of the palings. When Herbert would aim down the fence, Barry would step behind the side gate post, and when Barry would return the fire from his six shooter, Herbert would step behind the front gate



post. Thus they emptied their weapons, and neither was hurt. But a shot struck a white boy across the street and injured him badly. Just then Herbert turned and walked about half way to the house, which was only about twenty feet from the gate, and stopped, turned and began cursing. As he did so, Marion Roberts, whose store was nearby, came, slipping along the fence, and handed Barry a double barrel shotgun loaded with buckshot, and said to him, "Fred, now is your time. Stick it to him." Barry took the gun, but said he couldn't do that as Herbert was helpless. Soon the Federal soldiers got there, and interfered, and further trouble was averted. The next day Barry and one or two of us were arrested by the soldiers, but were soon released, and nothing came of the arrests. But the negroes took up the matter, and began to congregate in different places and to make dire threats. In the evening it began to get so serious that Barry came to me and said that he thought it would be prudent for him to leave his office that night and stay with me. I agreed to this, and we went to Billy Clopton, who was clerking in a store, and borrowed a breach-loading gun and some cartridges. I already had one gun, and both of us had six shooters. That night we placed the two guns beside our bed in a back room, and spread the cartridges out in rows on the floor. The negroes having found out where Barry was, began to congregate in front of the office. I was then a law partner of Col. C. R. Barteau, who had commanded a Confederate regiment during the war. As he had a family, he slept at his residence. Our office was a little two-room, one-story, yellow, frame house, across the street from the east side of the Presbyterian church lot, on the northwest corner of which now stands the Phoenix or Eckford drug store, and a door or two east of the present opera house building. Things began to look very "squally," and Barry and I agreed that if the howling mob broke down the front door we would shoot into them as rapidly and as long as possible, and if we failed to stop them and things got too hot for us, we would leave by the back door and passing back of the line or row of stores, would go down and swim across the Tombigbee river, and go into the eastern part of the county, among the white people, who we knew would stand by us.

Mr. Barry had written an article in the *Aberdeen Examiner*, for which a large, yellow, carpetbag negro school teacher and leader

had denounced and abused him in a convention of negroes and white republicans at the courthouse. Barry had beaten him nearly to death for it on the sidewalk on the corner in front of where the Carter grocery store now stands, and in consequence had been forced to take this trans-river route before.

Fortunately however, no such contingency arose this time, for the crowd in front gradually dwindled away and did not attack us.

Herbert got on a protracted "spree,"—according to his favorite expression "like a wolf," which the older citizens will well remember and did not leave his lair for several months, until he was finally turned out of office. Marion Roberts never forgave Barry for not killing Herbert on the night of the shooting affair.

The next transaction was with the sheriff, Mr. Holle. I had obtained a judgment for a client, and placed an execution in Holle's hands to collect. Meeting him afterwards, the client asked him if he had collected that money. He said he had, but had turned it over to me. The client came to me about it, supposing I had the money, but I told him it was not true and that I would see Mr. Holle about it. I was on the street in front of the mayor's office, a little south and across the street from the row of law offices, and I learned that Holle was coming down that way. So I stepped across the street and borrowed a walking cane from Capt. Eugene O. Sykes, who was more than willing to lend it to me, and went back and awaited Holle's coming. When he arrived I walked up to him and told him what I had heard.

He began to try to make some explanation, but I told him he had lied and I belabored him well over the head and shoulders until some one held me and he was led off. That evening some of my friends reported to me that I would better look out, as Holle had been up on the street and had stated that I took advantage of him, and he was going to get even with me. This was not a fact, for I was nothing but a stripling, weighing about one hundred and thirty pounds, while he was a large, square shouldered man, weighing at least two hundred pounds.

He boarded at the McNairy house, which fronted on Commerce street, on the corner just across the side street from the Minnis House, and nearly opposite the place where the Federal building now stands. This place was then kept by Mr. Goodlad and his wife. The night after my difficulty with Holle, I went to his

boarding house immediately after supper. I was met at the door by Mr. Goodlad, who said he was afraid of some trouble, and did not want to let me in. But I told him I wanted to see Mr. Holle on business, and pushed by him, and went directly upstairs to the southwest corner front room, which I knew to be occupied by Holle. Opening the door, I walked in, unbidden and without knocking, under ordinary circumstances a very impolite thing to do. Holle was sitting near the fireplace, but there was no fire in it. On going in, I closed the door behind me, and told him what I had heard about his threat, and that I had come to settle it then and there, adding that I presumed he was armed, as any man ought to be who would make such a remark. After some excited talk not necessary to detail here, he finally said that he had had no peace since he had come to the county, and that he was willing to resign and leave. To this I consented, and called Mr. Goodlad up to witness what he said. He agreed to leave as soon as he could pack his trunk, and get off on the train. He kept his word, and, in the language of Judge John A. Campbell, on declining General Grant's offer of his place back on the Supreme bench, he "left like Adam left the Garden of Eden, never to return."

The next spoilsman to be disposed of was the chancery clerk, Mr. Woodmansee, a prince of smooth carpetbaggers. The resident citizens who went off with the radicals were called scalawags, and the non-resident appointees carpetbaggers. I was then a partner of Mr. Barry, and our office was upstairs over a store on Commerce street, opposite where the Gordon House now stands. One night Woodmansee came to our office to see us on some business. Both of us happened to be out. He was intoxicated, and when he got to our office and found us not there, he started to go back down stairs, and in some way stumbled and fell to the bottom, cutting a severe gash on one side of his head beneath the hair. Mr. John D. McCluskey, one of our coterie, a lawyer, but a great wit and practical joker, who now lives at Vernon, Ala., and is an honored member of the Legislature of that State, happened along on the sidewalk and saw Woodmansee fall. He got two or three negroes, and with their assistance got Woodmansee to our room, and laid him on our bed. He examined Woodmansee's head, which had been bleeding rather profusely, and told Woodmansee that he was hurt very badly, but that he would shave off



the hair around the wound, and get a court plaster over it and keep him from bleeding to death. McCluskey then proceeded to get my razor, and pretending to hunt for the wound he shaved the wrong side of Woodmansee's head as bald as a peeled onion. He then pasted a piece of the court plaster on that side, and did not touch the wounded side at all. He got assistance, carried Woodmansee home and put him to bed. Woodmansee had long hair coming down to his shoulders, which he was very proud of. You can imagine his rage, when he got up next morning and gazed in blank astonishment in his mirror. A wild Comanche Indian could not have looked fiercer, and fierce he was; for he grabbed his gun, and at once started on the war path for McCluskey's gore. We heard he had a gun and was hunting for McCluskey, and Mr. Barry and I met him *accidentally*, and we told him it was outrageous, and perpetrated right in our office, too, and that guns and gore were no way to settle a thing like that, that it was too good a case for heavy damages, and as we appeared to be very much inflamed, he finally ended by employing us and Capt. E. O. Sykes to prosecute McCluskey. The *would-have-been famous* trial, however, never came off. The incident made such a laughing stock of Woodmansee, especially as he had to walk about the streets with one side of his head tied up and wearing his hat side-wise, that even the negroes got disgusted and "went back on" him, and he "like the Arabs, silently folded his tent and as silently stole away."

McCluskey's defense as he outlined it to us and to Woodmansee too, was that when he was hunting for the razor, Woodmansee turned over, and he did not notice it, and was surprised to find no wound where he expected, and so he kept on shaving in his hunt for the gash until he became satisfied that he could not find it, but knowing in his own mind that he had seen a wound, he just quit and pasted the court plaster where he last saw it. No living person ever saw "Mc.," as we called him, excited, but he claimed on that occasion that blood always excited him, and that he never could tell what became of that wound in Woodmansee's head, that he shaved until he finally became alarmed and thought he would leave the man a little hair on one side of his head. *We were astonished, both at his becoming alarmed and at his leaving any hair at all.*

The next man to whom our attention was directed was the mayor of Aberdeen, Mr. Lacey. A secret society called "Robinson," which was an offshoot of the Ku-Klux and affiliated with it, was holding a meeting one night in a room across the street from the mayor's office. Lacey slept in the back room of the mayor's office, and when McCluskey walked over Lacey asked him what that was going on over there. McCluskey told him in very sepulchral tones that it was the Ku-Klux, and that they had decided to kill him that very night. He gravely informed Lacey that he was his friend, and had come over to save him, but that if it was known "it would be as much as his life was worth." Lacey became very much excited, and wanted to know what was best to be done. McCluskey told him there was but one chance and that was to leave the country at once, to which Lacey quickly assented. Thereupon McCluskey went to the livery stable for a hack, cautioning Lacey with great warmth and earnestness to get ready immediately, and saying that at the great risk of his own life he would accompany him to the railroad at Egypt, as the Ku-Klux were watching the depot at Aberdeen, and it would never do for them to attempt to leave that way. When McCluskey came back with the hack, they both got into it, and in order to go completely *incognito*, dismissed the driver, "Mc." undertaking to drive. In order to scare him as much as possible, and keep him uneasy and excited McCluskey drove at a furious rate, although it was pitch dark and raining in torrents. Before they got to Egypt, about twelve miles away, the hack broke down. They got out, and mounted the two horses bareback and rode posthaste to Egypt. McCluskey then hid Lacey out while he sent back for his trunk, and when it came he persuaded Lacey that it was dangerous to wait for a passenger train, and got him aboard the first freight train that came along, shutting him up in a box car, and he "*also ran*." This incident virtually ended military reconstruction in "Old Monroe." As a kind of note or postscript, I might add that the manner in which the constitution was first defeated in 1868 was about as follows, (which I presume was somewhat the same tactics adopted in other parts of the State):—In order to adopt this constitution it was necessary to have a majority of the registered votes. The plan hit upon by the white people was not to vote themselves and to keep as many negroes from voting as pos-

sible. In Monroe county the branch railroad from Muldon to Aberdeen had not been built, and the station on the Mobile & Ohio railroad, about a mile south of where Muldon now is, was Loohattan, which was then the voting precinct for that section. It was surrounded by prairies, and was densely populated by negroes, the voters there numbering some thousand or twelve hundred, of whom probably about forty or fifty were whites. That place was, therefore, selected by some of us as the point of attack. I went out there with McCluskey, Needham Hatch, and some others, including a Mr. Groomes, a talking and reckless kind of a man, who I believe was at the time a partner with Maj. S. A. Jonas in the newspaper business. When he got a fair chance, as he generally did—to stretch his lungs, you could hear him about a half mile, or more. Capt. W. B. Brack, a lawyer from West Point, a very absent minded man, but a great speaker, came up to Loohattan to help us. The negroes at that time were great listeners, and pretended to wish to be informed, but nothing ever changed their votes; that was a different thing with them. The plan we adopted was to establish three or four speaking places, and commence speaking to them in very loud tones. They would congregate around us and our strikers would tell them they had plenty of time to vote. They were not then much calculators, and seemed to think they could wait till late in the evening to vote. When one of us would get tired speaking, another would take his place, except Captain Brack, who I think made a remarkable record, and spoke all day long without stopping. He was a past master of abuse and Phillipic, and employed it to the utmost on the objectionable features of the proposed constitution. But as a general rule our speeches were mere platitudes intended to kill time, although, of course, we vociferated greatly. In this way a large number of the negroes were crowded out and failed to get to vote. There were some Federal soldiers there and we appealed to them to help us out, which they did by talking to the negroes, and even threatening to shoot some of them when they could get out of sight or hearing of their officers, and I believe as a general rule the private soldiers sent down here were with us, and against the negroes in these contests, and in these exciting times.



## LIFE OF HON. JAMES T. HARRISON.

By J. A. ORR.<sup>1</sup>

James T. Harrison was born near the village of Pendleton in the State of South Carolina, thirtieth of November, 1811. His father, Thomas Harrison, was a distinguished lawyer, and the relative of Benjamin Harrison, one of the signers of the Declaration of Independence. The Harrison family are the lineal descendents of the Stuarts of England. His father was a patriot in the War of 1812, and was a captain of artillery. He was afterwards Comptroller General of the State of South Carolina. Mr. Harrison's mother was a daughter of Gen. John B. Earle a revolutionary patriot. The home of his boyhood was opposite Ft. Hill, on the Tugaloo river, John C. Calhoun being his nearest neighbor. He was so near-sighted that he could not distinguish without glasses persons across the court room. This infirmity doubtless proved a

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<sup>1</sup> Jehu A. Orr was born in Anderson county, South Carolina, April 10, 1828. His paternal great-grandfather, Robert Orr, though a native of north Ireland, was of Scotch descent. He settled in Pennsylvania in 1720. Leaving two of his brothers in that State he afterwards removed to South Carolina. The father of J. A. Orr was born in South Carolina, but about the year 1843 removed to Mississippi, where he spent the remainder of his life. The subject of this sketch was educated at Princeton, New Jersey. In 1849, he began the practice of law; in 1852-3 he represented his county in the State Legislature; in 1854-5, he filled position of United States district attorney; and in 1856 he served as Presidential elector on the Buchanan ticket. He served as school commissioner for Chickasaw county from 1857 to 1859, and was an active member of the Secession Convention in 1860. From February, 1861, to February, 1862, Mr. Orr was a member of the Provisional Congress. He then raised the 31st Mississippi regiment, being the commander of the same until March, 1864. During the last eighteen months of the existence of the Confederate Government he was a member of the Confederate Congress, being appointed by the committee on foreign affairs to make its report to Congress. This report provided for the appointment of the Hampton Roads commission.

On May 10, 1870, Mr. Orr was appointed Judge of the Sixth Judicial District, which position he filled with eminent satisfaction for six years. He has taken great interest in the educational affairs of the State, being for over thirty years an active member of the Board of Trustees of the University of Mississippi. Judge Orr is still actively engaged in the practice of his profession, notwithstanding the fact that he has passed his seventy-sixth birthday. A detailed sketch of Judge Orr will be found in Goodspeed's *Biographical and Historical Memoirs of Mississippi*, II., 536-540.—EDITOR.

blessing, in that it deprived him of the usual sports of school boys, his mother becoming his constant companion. She was a gifted woman. Her brother was for many years recognized as the most intellectual judge of the Supreme Court of the State of South Carolina. He had distinguished himself before going on the supreme bench as prosecuting solicitor of his judicial district. It was a boon to be the daily companion of a mother so intellectual and cultivated. She imparted to him studious habits and a love for books, which he never abandoned.

At the early age of thirteen, an exception being made in his favor, because of faithful preparation in elementary studies under the tutelage of his distinguished mother, he was permitted to enter the freshman class of the South Carolina College. Four years later he was graduated with honors at the age of seventeen. That of itself marked him as a youth of remarkable industry and intelligence.

Under the laws of the State, he could not be admitted to the bar until he was twenty-one years of age; and these four years, after leaving college, were spent in an extensive course of literary, historical, and legal reading. His legal reading was done under the direction of one of the most acute and extensively read lawyers in the United States,—James L. Pettigrew, of Charleston. Shortly after he obtained his license to practice in the courts of South Carolina, his attention was arrested by what was regarded throughout the then Southern States as the marvelous development of the youthful State of Mississippi.

The relative greatness of men oftentimes cannot be accurately estimated without the knowledge of the environments surrounding them, when they mature into prominence. Some little stars shine very brightly in their own galaxy, but pale into significance under the brilliancy of more luminous planets. It was no easy matter in Mississippi to make a reputation as a great lawyer for the thirty years preceding the War between the States. The writer of this sketch heard Judge Simrall express his opinion that oftentimes during that period, there would be assembled in the Supreme Court room at Jackson an array of lawyers unsurpassed by the bar of any State in this great Union. The soil, climate, health, and general features which went to make up the State of Mississippi having been heralded even into the Northern States,

young collegians, honor students from many of the first colleges in the United States, were attracted by the flattering prospects held out by the State. Look at the list of the names of some of them:—Poindexter, Prentiss, Walker, McNutt, Buckner, Boyd, Quitman, Sharkey, Trotter, Guyon, Holt, Howard, the three Yergers, Tompkins, Foote, Alexander M. Clayton, George R. Clayton, Glenn, Brooke, Wiley P. Harris, Barry, Tarpley, Anderson, Davis, Barton, Sheppard, Watson, Featherstone, Grey, and many others.

The writer of this sketch has heard on different occasions all of these great lawyers in argument, except Walker and Prentiss. Of many of them he had acquired intimate knowledge, and when called upon to institute comparisons between the great lawyers of the State whom he had known, his mind always turned promptly to James T. Harrison and William Yerger. In the field of oratory, Prentiss had no rival; in the power of clear analysis, the power to deal with new questions, Wiley P. Harris stood alone. As criminal lawyers, Reuben Davis and Roger Barton; in the courts of chancery, George Yerger and Quitman and Buckner, were all famed; as jury lawyers, Brooke, Tarpley, Henry Grey, Joseph Baldwin, and Featherstone,—they knew, as few did, how to reach the heart of jurors. Before judges of the Supreme Court, George Yerger and Wiley P. Harris were always very great powers. In the examination of witnesses Judge Edward C. Wilkinson—for whom his nephew, Edward C. Walthall was named—Holt, Foote, with his sarcastic repartees, and Glenn, with his richly modulated voice and insinuating manner, stood prominent in extracting desired testimony, or in suppressing dangerous witnesses. But in the different elements which went to make up the well rounded lawyer, none ever known to the writer surpassed James T. Harrison and William Yerger. Those who witnessed the gladiatorial race between these accomplished lawyers, which occurred in the United States Court, at Oxford, in the Teasdale case, will never forget it. Harrison and Yerger were great lawyers in every department, in chancery practice, and in dealing with equities and trusts. They seemed to have memorized Fonblanque, Smith, Daniels, and Story.

The *Mississippi Reports* covering the period above alluded to, is a rich harvested field for new lawyers, who wish to make them-



selves familiar with covenants, mutual or dependent and independent, or with estates in remainder, or with trusts, or with the construction of wills. All along, beginning with the Howards and ending with the 10th George, "Briefs" full of learning will be found on these subjects, and none more thorough than those filed by Harrison, notably among these is the case, "*Mahorney vs. Hooe*," 9th, S. & M., No. 247. In this case he crossed swords with George Yerger and Henry Grey. It involved the construction of Hooe's will, dispensing a very large estate in Noxubee county. Harrison's brief in this case was exhaustive and conclusive. In the field of criminal law, he was equally at home. McCann and Toland were indicted in Lowndes county for murder. McCann was very ably defended, but he was executed. See report in 139 13th S. & M. Substantially the same case was made out against Toland, but Harrison reversed the case in the Supreme Court, and finally acquitted his client. But few district attorneys, and very few "nisi-prius" judges were so constantly accurate as to escape the eagle eye of Harrison in scanning a record of errors.

His proficiency in pleading and practice was far beyond his fellows. Joseph G. Baldwin, himself a brilliant orator and successful lawyer, and author of *Flush Times in Alabama and Mississippi*, referred to him as "Jim T." In a racy paragraph he says of him:

"The aforesaid leaders carried it with a high hand over us lawyerlings. What they couldn't get by asking the court, they got by sneering and browbeating. They could sneer like Malgroucher, scold like Madam Caudle, and Hector like Bully Ajax. We had a goodly youth from the Republic of South Carolina, Jim T. by name. The elders had tried his mettle. He wouldn't fag for them, but stood up to them like a man. Jim was equal to any of them in law, knowledge and talent and superior in application and self-confidence, if that last could be justly said of mere humanity. He rode over us, rough-shod, but we forgave him for it, in consideration of his worrying the elders and standing up to the rack. He was the best lawyer of his age I had ever seen. He had accomplished himself in the elegant science of special pleading, had learned all the arts of confusing a case by all manner of pleas and motions, and took as much interest in enveloping a plain suit in all the cobwebs of technical defence as Vidocq ever took in laying snares for a rogue. He would entangle justice in such a web of law that the blind hussy could have never found her way out again if Theseus had been there to give her the clew. His thought by day and his meditation by night was special pleas. He loved a demurrer as Dominie Dobiensis loved a pun—with a solemn affection. He could draw a volume of pleas a night, each one so nearly presenting a regular defence, that there was scarcely any telling whether it hit or

not. If we replied, ten to one he demurred to the replication, and would assign fifteen special causes of demurrer in as many minutes. If we took issue, we run an imminent risk of either being caught upon the facts, or of having the judgment set aside as rendered on immaterial issue.

"Jim T. was great on variance too. If the note was not described properly in the declaration, we were sure to catch it before the jury; and if any point could be made on the proof, he was sure to make it. How we trembled when he began to read the note to the jury; and how ominous seemed the words 'I object' of a most cruel and untimely end about being put to our case.

"How many cases where, on a full presentation of the legal merits of them, there was no pretence of defence, he gained, it is impossible to tell. But if the ghosts of the murdered victims could now arise, Macbeth would have an easy time of it compared with Jim T. How we admired, envied, feared and hated him! With what a bold self-relying air he took his points! With what sarcastic emphasis he replied to our defences and half defences! We thought that he knew all the law there was, and when in a short time he caught the old leaders up, we thought if we couldn't be George Washington, how we should like to be Jim T.!

"He has risen since that time to merited distinction as a ripe and finished lawyer; yet, 'in the noon of his fame' he never so tasted the luxury of power, never knew the bliss of envied and unapproached pre-eminence, as when, in the old log courthouses, he was throwing the boys, right and left, as fast as they came to him, by pleas dilatory, sham and meritorious, demurrers, motions and variances. So infallible was his skill in these infernal arts that it was almost a tempting of Providence not to employ him."

This paragraph, while exceedingly complimentary to Harrison, leaves the impression on the mind, that this was the most distinguished feature of Harrison's legal attainments. In that view he is minimized; and Mr. Baldwin, in a number of cases, realized the fact that Harrison was not only fertile in getting up channels of thought in the shape of pleas, replications, rejoinders, and sur-rejoinders, but he was equally fertile in filling these channels with substantial cargoes of substance and thought. He found that in the Case of *Sanders vs. Sanders*, 14th S. & M., No. 81. The State of Mississippi was the pioneer in announcing and securing to married women their civil rights. No lawyer in the State was more familiar with the statutes of 1839, '46, and '57 than Harrison. This was notably shown in the Case of *Mrs. Baskerville vs. Thompson* of ante-bellum days. In another case, illustrative of his familiarity with the principles governing the limitation of estates of the terms, "his own right heirs next of kin," "estate tail," "estate of first degree," which the student will be edified by perusing, is "*Harris vs. McLauran*," reported in 30th Mississippi, page 533. In that brief, it will be seen that he was the intimate companion of *Ferne On Remainders*, Second

*Blackstone*, and *Keyes on Chattels*. Those books have made the heads of most students ache. But Colonel McLauran, when he realized the large estate won by Harrison's brief, knew that there was no ache in Harrison's head.

Senator George, in a visit of condolence to Mrs. Harrison, stated to her that after his senior partner, Cothran, went on the circuit bench, he never had an important case in which he didn't consult Mr. Harrison; and regular correspondence was kept up between these distinguished lawyers for many years. It was always a habit of his cousin, Wiley P. Harris, to confer with him on his important cases.

Few men ever had the degree of LL. D. conferred upon them, but that very great honor was conferred upon Harrison by the University of Mississippi, and that degree has been conferred on very few persons by that institution since he received it. He was not only a lawyer by study and close application; but a lawyer by inheritance, having received from his father the elements of character and the intellect of a lawyer.

Judge O'Neal, of South Carolina, in his *Memoirs*, says of the elder Harrison:

"He died in the meridian of his days: an eminent lawyer, a perfectly pure and amiable man. He was sober and temperate in all things; was a firm, conscientious man, a good officer and citizen, a faithful and devoted husband, an affectionate father, and in all the other relations of life, above exception."

Mr. Lynch, in his *Bench and Bar of Mississippi*, informs us that James T. Harrison twice declined to sit on the supreme bench of the State of Mississippi, and it is known to the writer that he declined the chancellorship of his district, in 1865. After the reconstruction, as presented by President Johnson, Mr. Harrison was elected to Congress from his district without opposition. But under the reconstruction of Thad. Stevens, and his crowd of mad-caps, he was not permitted to take his seat, and we remained unrepresented in the Congress of the United States until 1870.

The greatest honor conferred upon him was that by the Secession Convention of 1861. It was a convention composed of the ablest men of the State,—Lamar, the ablest man produced by the State of Mississippi, heading the list of delegates. No man



dared to become a candidate and electioneer with that body of great men. It was clearly and emphatically an occasion when the office sought the man. No nominations were made. No candidates were announced, when it became necessary to select seven men to represent the Republic of Mississippi in the family of sister Republics to be called at Montgomery. Harrison, without his knowledge, at home, in Columbus, was chosen one of the seven to whom was confided the great interests of the State of Mississippi on that momentous occasion. He was selected one of the seven, thought by that convention the most capable to discharge the delicate duties which would devolve upon them. At Montgomery, he met a body of men, one of the ablest of its size ever assembled on the Continent of America. In that body he took high rank as a wise and discreet man. The subjects he discussed indicated a very accurate conception of the situation. He opposed all of the "Force Measures" of the administration. He was opposed to the suspension of the writ of *habeas corpus*. The opinion which he entertained was "we were dependent for our success upon the willing hands and hearts of the people of the Confederacy." He saw the dissatisfaction which would be brought by the enactment of the law, which exempted from military duty every man who owned twenty negroes. Some of these measures were passed after he left the Congress of the Provisional Government to enter the military service of the State, as a member of Governor Clarke's political family. Up to the close of the war he was the Governor's chief advisor as lawyer and as statesman.

The following letter, which is self-explanatory, shows the high esteem in which Mr. Harrison was held by the bar of his adopted State:

"Jackson, July 13, 1865.

"Hon. James T. Harrison.

"Dear Sir: The undersigned, believing that it is proper that the Bar of Mississippi should be represented on the occasion of the trial of President Davis, have selected you as such representative.

"Apart from the transcendent importance of the case, as affecting the most vital principles of constitutional freedom, it is due to the eminent character of President Davis that counsel from his own State should offer their services. More especially so, since one of the most eminent

lawyers of America, a resident of a Northern State, has already asked the privilege to aid in the defence. We earnestly appeal to you to gratify the wishes of your professional brethren.

"Will you please respond at your earliest convenience, as it is uncertain what time may be appointed for the trial?"

"We may add that all expenses incurred by you will be defrayed. We could not ask a higher sacrifice of you than the loss of time you would be compelled to submit to by acceding to our request.

"We could convey no higher expression of our confidence in your professional ability than is implied in your selection for this most delicate and important trust.

"The civilized world regards the trial with more interest than any one which has occurred within the annals of our race. With what feelings should Mississippi contemplate the scene in which her most illustrious citizen is arraigned for his life for having been placed in the position he lately occupied as the representative of her most sacred rights?"

"We have the honor to be,

Very truly, your obedient servants,

"C. E. Hooker,

A. R. Johnston,

"F. Anderson,

A. P. Hill,

"T. J. Wharton,

E. S. Fisher,

"and others."

The duty thus imposed upon Mr. Harrison was promptly accepted by him.

Mr. Harrison remained a student while life lasted. He usually arose at four o'clock in the morning, and repaired to his office. In the winter he built his own fires and, seating himself at his desk, where his books, papers and stationery were all convenient and all kept in perfect order and with great neatness, he had pretty well finished the day's work by nine o'clock, when the rest of the lawyers usually commenced. His power of concentration was extraordinary. In the midst of the preparation of a brief on an important case, he would tolerate no intrusion or interruption. He did one thing at a time, and did it thoroughly. On one occasion, Governor McDowell, of Virginia, called at his office on some matters of interest to himself, and found Harrison with a score of open books. He invited the Governor to take a seat and asked to be excused. McDowell sat there for an hour, and then turned his attention to William L. Harris, Harrison's partner.

This incident might indicate a deficiency in the social elements of Mr. Harrison's character. The reader, however, to draw that inference would greatly mistake his true character. He lived at his home like a prince. In the social realm, he was supported by wife and daughters. One of the latter, the wife of General

Stephen D. Lee, would have graced, by her elegant cultivation, the social circles of the most refined. Mrs. Lee was the favored grandchild of Major Thomas G. Blewett, and in her girlhood she received the very highest advantages offered to the wealthiest classes of ante-bellum days. Situated as Mr. Harrison was, it was his greatest pleasure to entertain at his hospitable table. He was a man of ready wit and repartee, and on such occasions he devoted himself with enthusiasm to the entertainment of his guests. The dining which he gave Governor Orr, of South Carolina, will never be forgotten by those who were present, for the wit, song and anecdote which enlivened the occasion.

On the thirtieth of November, 1811, he was born, and on the eleventh of February, 1840, he married Miss Regina Blewett, daughter of a South Carolina gentleman, Major Thomas G. Blewett, then one of the "Prairie Planter Princes of ante-bellum days."

The private character of James T. Harrison was above reproach.

He was a man of pure, elevated morals, with the cultivated taste of a woman. He was a regular attendant upon the services of the First Baptist church. When at home, his seat was never vacant on the Sabbath. He kept on a shelf, within arm's reach, the Bible and the Concordance. He possessed in an eminent degree, truthfulness, that best of all truly honorable characteristics.

He never had to be called at the door during the session of his courts. He was as regular in his attendance as the presiding judge. Always heard the minutes of the court read to see that the entries of his cases were correct; and if he was not ready for trial, he was always prepared with his written showing for a continuance.

At the meeting of the members of the Columbus bar, on the 29th of May, 1879, Chancellor Brame, presiding, General E. T. Sykes, acting secretary, J. A. Orr, S. M. Meek, and J. E. Leigh were appointed a committee to report suitable resolutions of respect. Some of the eulogies on the life and character of Mr. Harrison, delivered shortly after his death, will be found in the Appendix to this article.



## APPENDIX.

## ADDRESSES DELIVERED AT THE MEMORIAL EXERCISES IN HONOR OF JAMES T. HARRISON.

"I have a warm desire to bear an humble part in these memorial services for many reasons. I am sure the deceased was my friend, sincere and true, incapable of guile or treachery, and that whatever once became lodged with him as friend from that moment was secure and sacred forever, although friendship might be converted into enmity bitter and implacable. No mutation of relation justified with him the revelation or abuse of that which received the stamp of confidence. I am one of the few professional links surviving binding his memory to his cotemporaries and to those who hasten with accelerating footsteps to occupy in the calendar of time our places. If in the providence of God I had preceded him, he would have stood where I this moment stand, bringing with him a full sad heart and to my grave weeping flowers. The gifted and immortal Swendenborg hath taught us that Death is the best boon a beneficent God hath conferred upon frail humanity. All right reason attests the truth of the lesson. All heart affections reject it. Reason and judgment assiduously endeavor to make a perpetual record in its favor, but the affections of the heart as constantly come with tearful eyes to wash it away. The record should stand, all grief should be hushed and we should cease to deplore our absent friend. If Death come to decrepitude, senility, poverty or blindness, to alleviate the sense of dependency, and helplessness, it is a boon—the richest and best. If it come to the care-worn, heartsick and weary, who have pursued the phantom of the world's supreme joy to find it a desert filled with brackish waters, it is in very truth the shadow of a great rock in a weary land. If it come to sweet and innocent childhood and maiden beauty, its presence is only to transfer them from a path of peril, and thistles, to another of perfect security and fadeless, thornless flowers. If it come when the ladder of private and public usefulness hath been ascended so high that we are ready to step from the round at the top to the sky, it but fulfills and completes our pre-ordained destiny. Without mortality, there can be no immortality, nor kinship, nor acquaintance with our God and our Redeemer.

"Death is indeed a great boon, precious—the richest and best. Our friend is happy, we are not. He rests from his labors, and ours continue and increase. His sunset hath all the glory of that upon an Italian sky as the bards have painted it, but our hearts tremble with fear when we conjecture what ours may be. It is fruition with him, and hope and expectancy and fear and doubt alternate in confusion with us. It is a full garnered harvest with him, whilst we wait for the sunshine and the rain. If by a wish we could recall him, it would be an inconsiderate, selfish and cruel love that articulate it, blessing us with a transient joy only and inflicting grief to be re-endured, and the re-entailment of the vicissitudes and infirmities of mortality terminated in full measure of earth's honors and glories, and finished in the providence of Him who doeth all things well, and in supreme wisdom.

"A sound judgment guided and directed him in the selection of a life pursuit whose jealousy and rigorous requirements absorbed all the powers of his fine mind. He never played truant to it. He engaged to love it to consecration, and really he kept the vow.

"Diversions were offered him crowned with honor and fame, but he put them away from him, and clung with growing tenacity to the sphere of duty carved out for him by the morning of his manhood. That such a devotee should stand upon a pinnacle of fame, pure and unsullied, excites no special wonder. He gave his youth, his manhood, and his declining

years to the endeavor, and he won and deserved it. The crown set modestly and gracefully upon a head formed for it, and like a light shining through alabaster vases, it is irradiated by a heart courageous, honest and true, and filled with life's sweetest impulses and best charities.

"He employed his great attainments to the noblest ends. He practiced no extortions in the name of fees, and used no sinuities with clients or people. He gave strength and confidence and friendship to the weak and faint and friendless, and succored them against the designing and the powerful. His powers were exerted to establish justice, to maintain social and public order, to promote the general welfare, to perpetuate liberty and to build up the State. He was a temple in which honors and truth and charity of opinion as well as of deed delighted to dwell as if he had been fashioned for their abode. He died only when he was the master of every principle and philosophy of jurisprudence applicable to the affairs and condition of the people among whom his inheritance had been cast. This professional picture exhausts all truthful eulogy and leaves nothing that would not be mere tautology.

"No profanity ever escaped his lips, nor was uttered without attracting his frown, and vulgarity was shamed into silence by his presence. Nothing great, nothing amiable, no moral duty, no doctrine of natural or revealed religion has ever been associated by him with any degrading idea. His knowledge of the Bible was that of an ardent student of theology, and the precious volume with a concordance were ever within easy reach of his office chair. He may have left no outward sign of denominational pride of the spiritual work within, but so close a student of the Book of Books, one so constantly and liberally charitable, so affectionate and tender within the home circle, so gentle, ingenuous, and forbearing to all, and so habitually reverent, can not be uncared for by Him who marks with pity the sparrow's fall. The work of our God in attuning to melody divine the human heart is not confined to sectarian laceboards nor is it to be judged by that measure. To the idle, desponding and slothful, he has left an example of patient tireless toil and successful effort, to the weak, the tempted, and faint-hearted an example of pure, solid principle and honor's triumph, and to all the beauty and splendor of an illustrious character.

"That the sunset of life should send back from the grave to the cradle effulgent rays of love and beauty to be gathered and woven into a splendid sheet of sheen, arching the entire pathway, is an honor which fastidious fortune has accorded but few of earth's pilgrims who stand like epochs along the current and course of Time, but among that limited number we hail conspicuous, and radiant, our friend and professional brother—James T. Harrison."

"May it please the Court:

"I trust that it will not be deemed inappropriate, Sir, after the able, eloquent and truthful portraiture of the character of the illustrious deceased, just delivered by the chairman of the committee, that I should add a tribute to the memory of one, whom I knew so long and loved so well.

"We paused amid the ordinary avocations of life, the duties of the court room, the stir and bustle of the world, the conflict of mind with mind, in the investigation and application of judicial principles to do honor to the memory of James T. Harrison. When this Court convened six months ago, he was here in our midst, the life and soul of the Bar, the impersonation of all that typed itself as the learned lawyer, the elevated and accomplished gentleman, the pure and unselfish friend, and the broad-hearted, patriotic citizen.

Few men have ever lived in Mississippi who, as lawyers, occupied positions so exalted, as that of the distinguished man whose memory we now commemorate. It was universally conceded that he was the head



of the Bar in this quarter of the State, and your speaker had the gratification of hearing only a few weeks ago the distinguished gentleman, who adorns the first place upon the Supreme Bench of our State, say that 'James T. Harrison was the most thorough and accomplished lawyer that Mississippi has ever produced.' Was that saying too much of our departed friend? We all, with truth and sincerity, can answer,—*no*. In all the branches of the profession he was first among the foremost. The records of the various Courts of the State—the Circuit, Probate, Chancery, and Supreme Court—all give attestations to the assertion. His briefs on almost every question which he has discussed, and he has discussed almost every one known to the profession, are masterpieces of logic, acumen and love. In many instances it will be observed that the Supreme Court in delivering their opinions, have adopted the very language of his briefs. He was always close, terse, and logical and clever; and when he enunciated a proposition, if he had not the authority to sustain it, strong common sense, which is in fact the law, riveted it in words of so much strength and power as to render it almost irresistible and unanswerable. Most men who attain distinction in any of the learned professions are apt to secure it, by devoting their talents and energies to some particular branch. These they direct and concentrate their powers upon, and ultimately achieve success and reputation. Not so with Mr. James T. Harrison. During his long and eventful professional career, at one time or another, all the branches of his profession claimed his attention, and with unflagging energy and determination—a will that never tired—a vigilance that never slept, honor as unsullied as the Alpine snow, and a courage that never quailed, he moved onward to the accomplishment of his purposes, the goal of his object and ambition, and always reaped for himself rich honors of professional glory. \* \* \* If he lost a case it was no fault of his—no mismanagement or oversight or error, but it was lost because it could not be won. His intellect was as keen as a Damascus blade—fertile and capacious. His polished, luminous and animated eloquence set off by the silver tones of a voice peculiar to himself, was the delight of the Bench and Bar and the Jury, as well as the audience. To the majestic energy of an iron will, he joined a heart full of the most delicate sensibilities, capable of the most devoted love and rich in the tenderest affections. Mr. Harrison was, above all men I have ever known a man of the most untiring energy, and unflagging labor. When I first had the honor of making his acquaintance, he was then in the meridian of his splendid intellectual manhood, I was struck with his immense capacity for labor—'From early morn till dewy eve.' Winter and summer, spring time and autumn, when not engaged in the duties of the court room, he was to be found at his office desk delving over newly issued volumes or musty tomes of the law, laying away in the capacious chambers of his mind, those vast stores of legal learning which he ever had at his finger's end. As Lord Brougham said of Mansfield, if at any time, the most intricate proposition of law, was propounded to him, if he did not know precisely what it was, he knew precisely where to find it. He was never taken unawares, never surprised, never 'tripped up.' He had a thorough and exhaustive brief, upon almost every subject known to our jurisprudence and practice. Your speaker once requested him (upon being suddenly called off from Court) to attend to him for the defence of a person accused of a misdemeanor—a common assault and battery. He cheerfully consented and asked me to leave with him my 'brief.' I replied, 'I have no brief.' I can never forget the look of astonishment that he cast upon me, as he said, 'Meek, from my first appearance at the bar, to the present hour, I have not had a case, no matter how insignificant, that I did not fully and thoroughly brief.' The admonition was never forgotten; and I commend it to the younger members of the Bar. It



was this matchless energy—this thorough preparation that gave him his commanding influence and power at the bar—achieved his wonderful successes and stamped him as one of the greatest lawyers of his generation.

"Illustrious man! Wonderful lawyer! His intellect at his meridian height lighted up the darkest recesses of his profession, and penetrated the deepest labyrinths of the law, and his declining sun, as it hastened down the western sky, threw back its level beams in hues of mellowed splendor, to illuminate the pathways, and cheer the hearts of those devoted worshippers at the shrine of the 'jealous mistress' of whom he loved so well, and served so long."

"She may well exclaim in the language of the poet:

'Go search the land of living men,  
Where will you find his like again?'

"But it was not only as a lawyer that this man deserved distinction. He was an accomplished general scholar, familiar with all the great claims of ancient and modern times—while some of them such as Virgil and Horace, Bacon and Locke, Shakespeare and Milton, and the first and noblest of them all, the Bible, were as familiar to him as household words. He refutes the too popular idea that a man cannot be a fine *general* scholar and a *thorough* lawyer. Whoever surpassed Lord Mansfield in legal love, and who was more accomplished in general literature? The Commentaries of Blackstone, and the rich Depositions of the Laws of England, and at the same time models of the purest English composition. Lord Stowell surpassed most of his cotemporaries in the learning of the law and was the 'literary executor' of Dr. Johnson, 'the greatest, the wisest and the meanest of mankind,' was not only the chancellor of nature and of art than of English equity. Erskine, the Demosthenes of the Irish bar—Grattan, the eloquent defender of her liberty, who 'stood by her cradle, and followed her hearse'—Curran, who said he couldn't talk law, he would talk metaphor; and Jeffrey, whose polished taste and splendid intellect, illustrated for a quarter of a century the pages of the Edinburgh Review, are splendid examples. In our own country, Webster and Wirt, Story and Kent and Gilpin, and our own Sharkey, give the lie to the bold assertion.

"South Carolina, the nursery of orators, great lawyers, and statesmen, gave birth to James T. Harrison, and at a time when her sky was studded with great names. His giant intellect caught the kindling influence of their example; and his ambition was fired to be such as they. Noble determination! Success, nobly won!

"But our deceased brother's private life, in all the relations that adorn humanity, was worthy of our highest admiration and imitation. Your speaker knows, from intimate intercourse with him, that the deepest religious vein penetrated his entire nature. He revered everything that was good, and noble and righteous. He was believer in the sublime doctrines of the Christian religion, from experience, from convictions, and from the love of his Maker. Not one cloud of skepticism or doubt ever dimmed the lustre of his mind. Proud philosopher! Scorning skeptic! Will you smile and jeer to know that this great lawyer, James T. Harrison, devoutly perused his psalter, his prayer book and his Bible? He did it, and while in life his professional career was like some magnificent orb, in its blazing glory, his death was lovely as the mildest sunset of a summer's day, when the sun goes down in tranquil beauty, without a cloud.

"But our friend is gone; and we will see him no more until the resurrection morn. The ways of Providence are inscrutable and past finding out. His absent form, his vacant chair in this temple of justice are sermons to teach us that we too soon must die. The sacred grief of the stricken family, I cannot approach. None can know of the bitterness of

the widow's tears, who does not shed them. None but an orphan, and the God that made him, can know an orphan's woe. Let us cherish his memory, shed tears for his loss, remember his noble worth, his manly traits, plant flowers upon his grave, imitate his high example; and when we too shall meet the grim and icy monster, let us calmly resign ourselves to our fate, and

'Go, not like the quarry slave at night,  
Scourged to his dungeon, but sustained and soothed  
By an unfaltering trust, approach our grave,  
Like one who wraps the drapery of his couch about him,  
And lies down to pleasant dreams.'

"A short time since he walked among us, but we saw in him only the assiduous student, the unobtrusive gentleman, the careful, energetic and able attorney. Now that we have placed his lifeless body under the pulseless earth at Columbus—now that he is gone—lost to us for all time, now do we properly appreciate his worth. From his grave there seemed to rise a cloud of sadness which penetrated every heart. For weeks and months, his death will cast a dark gloom over our entire community, and his professional associates, however high or humble, will walk with lighter tread, but heavier heart past his old place of business, and ten thousand voices will sing his praises. His charity, his kindness to younger members of the bar, his splendid courtesy, his fidelity in friendship, his sterling integrity, and his distinguished ability as an attorney are indelibly impressed upon the minds of all who knew him, and up to this hour, I have heard and read naught but the highest praise of that learned lawyer, James T. Harrison.

"He was a brave and tender man in every storm of life, he was oak and rock, but in sunshine, he was vine and flowers. He was the friend of all the heroic souls; he sided with the weak, and with royal heart, he gave alms, and with purest hands, he discharged every public trust; and his life, though his every hour had been rich with love, and his every moment jeweled with joy, became at its close, a tragedy, so sad and deep, and dark, as can be woven of the warp and woof of mystery and death; and were every one for whom he did some loving service to bring a flower to his grave, he would sleep to-night under a wilderness of flowers."

# THE PUBLIC SERVICES OF SENATOR JAMES Z. GEORGE.

BY FRANK JOHNSTON.

## I. THE POLITICAL CAMPAIGN OF THE YEAR 1875.

It is not my purpose to write a sketch of the life of Senator J. Z. George, but his public services were of so conspicuous a character, and of such extraordinary value to the people of Mississippi, especially at three critical periods in the history of the State, that it is due to his illustrious memory, as well as to the cause of history, that an exposition of his public work should be placed in an appropriate and enduring form. This is the task that I now undertake.

Senator George was a lawyer of ability, a constitutional lawyer of the first class, and he was a sagacious and conservative statesman. His personality was strong, his resources were great, and his candor and sense of justice, and his uniform consideration for the views of others, made him, from the time that he entered public life, a great force in the State, and at a later period, he presented a striking personality in the United States Senate.

He was well equipped with those moral faculties, and intellectual forces, that are needed in critical situations in public affairs, and that are essential to the successful treatment of public questions of a difficult and complicated character.

Senator George, from the time of his entrance into public life in the State, which was prominently in the year 1875, had the respect, the affection and, in an unlimited measure, the confidence of the people of the State.

On August 4, 1875, a State Democratic convention was held at Jackson, for the purpose of organizing a political campaign for overturning the administration of Adelbert Ames, then the Republican Governor of the State.

The convention was presided over by Ex-Governor Charles Clark, and it was composed of the most distinguished and illustrious men of the State, among them being Senator J. Z.



George, and his subsequent colleague in the United States Senate, Hon. L. Q. C. Lamar.

It will give a definite idea of the distinguished personnel of that body to mention some of the names of its more conspicuous and leading members. There were J. W. C. Watson, John M. Stone, Amos R. Johnston, Wiley P. Harris, Albert Gallatin Brown, J. A. P. Campbell, W. S. Featherstone, Robert Lowry, William A. Percy, Kinloch Falconer, E. C. Walthall, Ethel Barksdale, George L. Potter, R. W. Williamson, W. T. Martin, W. H. Hardy, Otho R. Singleton, W. R. Barksdale, and James T. Fant. There were many others.

This convention placed Senator George in charge of the canvass by making him Chairman of the State Democratic Executive Committee, and he began at once with his usual force and energy, to organize the white men of the State for an aggressive, and, what happily proved in the end to be, a brilliant and victorious canvass.

In order to intelligently comprehend, and appreciate, the difficulties encountered, and successfully surmounted, in that canvass, by the sagacity and skill of Senator George in his important and difficult position, it will be necessary to give an outline description of the condition of public affairs then existing in the State, and a brief review of the principal historical occurrences that preceded the momentous and epoch-making events that characterized the year 1875.

In the year 1869, under the terms of the Reconstruction Acts of Congress of 1867, which fixed negro suffrage on the State, a Constitution was adopted by the votes of the negroes who were given the suffrage by the Reconstruction Acts, and who were allowed to vote in the process of reconstructing the State.

Thus a civil government, resting upon a solid negro voting constituency, then having a majority of about forty thousand, was placed over the white people of the State, supported by Federal troops acting under the authority of the Federal Government.

In 1875 the crisis was reached, and the negroes, led by a few alien white men, and still fewer native whites, held the political power of the State. The State was literally under negro rule. The Lieutenant-Governor, Secretary of State, the State Super-

intendent of Education, and the Speaker of the House of Representatives, were negroes.

They had a membership of one-third of the Senate, and they had fifty-nine members in the House of Representatives.

Taxation had reached the point of confiscation, and one-fifth of all the lands in the State had been forfeited for taxes. Corruption was wide-spread, and permeated every branch and department of the public service.

Finally, to maintain this venal and oppressive administration, and in order to hold the white men in subjection, Governor Ames began to organize and arm a negro militia.

The condition of public affairs had reached the point when the white men of the State would have gladly welcomed the despotism of a military government, to escape the humiliations, corruptions and oppressions of the negro rule then fastened on the State.

This was the condition of affairs that Senator George was called upon to face. With a negro voting majority of over forty thousand in the State, and with an unfriendly national party in control of the Federal Government, the task that was set before him was to overturn the Ames Government, and restore white supremacy in the State, without coming in conflict with the Federal Government, and without provoking the armed interference of Federal authority.

The Democratic State Executive Committee held but one meeting, at which the entire management of the canvass was entrusted to Senator George, as Chairman of the Committee.

Senator George abandoned his law practice, and gave his whole time to the work of the canvass. The white men were thoroughly organized in every county and voting precinct of the State. The race line was drawn, with the white men standing solidly together, and the negroes, together with some of their white leaders, were as solidly massed against the whites. Trouble was inevitable, and it came in September in the form of a riot between the negroes and the whites at a political mass meeting near Clinton, in which several white men were killed and a number wounded. The white men soon gathered in force and made some bloody reprisals.

This event caused the greatest imaginable excitement and indignation among the white men of the State. They immediately

armed themselves all over the State where race conflicts were probable, and very soon they were organized into regular military formations.

Governor Ames organized and armed more companies of negro militia and placed them in camp. In the county of Hinds, which was the storm center of racial troubles, there were five companies of negro militia, and several companies were camped within the limits of the city of Jackson.

Governor Ames called upon President Grant for Federal troops to sustain his State Government, but the President declined to allow him the use of the troops.

In the meantime the excitement and indignation of the white men reached the highest possible point, and the general sentiment prevailing among them was in favor of exterminating the negro militia rather than submit to another administration of negro rule.

Senator George saw plainly that such a course meant disaster for the white men, and hopeless ruin for the State, for it would at once have precipitated the armed intervention of the Federal troops, and a negro and alien State Government of indefinite duration would have been fastened on the State.

Racial disorders and conflicts were of constant occurrence throughout the State, until it became evident that a collision between the white men and Governor Ames' negro militia was not only imminent but inevitable, if some decided action was not taken to avert it.

Senator George's policy was to arouse the white men to the firmest determination to overturn the Ames administration, and to all possible efforts to deter the negroes from voting, without any overt illegal action that would precipitate a conflict between the races. His policy was to avoid a race war and thus to avert the interference of the Federal Government, but within these limitations to have the white men put on all the pressure that was possible against the negroes.

The condition of affairs in the State finally reached the point when the white men could no longer be restrained, as the Governor marched the negro troops from point to point, with the evident purpose of keeping up the courage of his political followers, and, possibly, in the hope of intimidating the white men. At



all events, the effect upon the white men was to rouse them to the highest point of indignation.

Hon. L. Q. C. Lamar thus described the condition of affairs in the State at that time:

"I think the future of Mississippi is very dark. Ames has it dead. There can be no escape from his rule. His negro regiments amount to nothing. He will get them all killed, and then Grant will take possession for him. May God help us."

In this critical state of affairs, Senator George, in the hope of averting a race war, and the consequent fastening of the Ames Government upon the State backed by the armed authority of the Federal Government, at a council held between himself, Mr. Joshua Green, Mr. Marion Smith, the Secretary of the Committee, and myself, concluded to have an interview with Governor Ames for the purpose, if possible, of having the militia disbanded, or disarmed, upon the pledge on his part that the white men would keep the peace.

The views upon which this course was taken were, that with the negro militia disarmed, there would be no race war, and with the consequent demoralization of Ames' negro political constituency, that would necessarily follow the abandonment by him of his militia policy, the white men would have no difficulty in carrying the election.

It was suggested to Governor Ames that Senator George was willing to meet him in a conference for the purpose of discussing some means of averting a conflict between the races, and accordingly Governor Ames sent a formal invitation to Senator George to meet him in such a conference, and made the appointment for ten o'clock the following morning at the Governor's mansion.

There were present at the conference, upon the invitation of Senator George and with the approval of Governor Ames, the following gentlemen: Robert Lowry, Joshua Green, W. L. Nugent, T. J. Wharton, John W. Robinson, H. Hilzheim, E. Richardson, R. L. Saunders, David Shelton, J. C. Rietti and myself.

Senator George took the initiative in the conference and made a dignified and impressive presentation of the grievances of the white men to Governor Ames, and he gave him a candid statement of the critical condition of affairs in respect to an impending conflict between the races. It was a manly, dignified and candid

statement of the white man's view of the condition of affairs then existing in the State.

Taking the occasion, the critical character of the surroundings and the difficulties and dangers of the situation all into consideration, the manner in which Senator George presented his views, his frankness, his calmness, the quiet yet impressive force and dignity of his language, were simply beyond criticism.

Everybody, including Governor Ames, was deeply impressed, as much by Senator George's appeal for the disbanding of the troops, as we were by the perils of the situation, and the vital importance of the conference to the people of the State.

This conference had been timed with the greatest exactness. Governor Ames' call for troops had been denied. Mr. Pierrepont, President Grant's Attorney-General, had suggested to Governor Ames the advisability of getting the aid of the white citizens in the interest of law and order. The white men of the State stood in such an attitude of hostility to Governor Ames that he saw no way of getting their coöperation on any lines that he was working on, and there was none for him.

When, however, Senator George proposed at the conference to give the pledge for the white men to keep the peace, if the negro militia were disbanded, Governor Ames was at once placed in a position where he saw there would be no race conflict in the face of such a pledge, but on the other hand if he ignored the white men of the State, and stood by the policy of carrying his canvass through with his negro troops, that he would bear the responsibility of a conflict between the races.

Diplomatically, and morally, Senator George was the master of the situation. He presented to the Governor the alternatives of trusting to the honor of the men of his own race to keep the peace, or of pressing his negro militia policy to the point of a war between the races.

Governor Ames accepted Senator George's proposition, the negro troops were disarmed, quiet was restored, the negroes lost heart in the canvass, as was anticipated, and the result was the complete restoration of white supremacy in the State.

Governor Ames expressed his gratification to Senator George that the situation was relieved, and of his confidence in Senator

George's assurances that the peace of the State would be maintained.

Senator George's pledges were redeemed, with but a few unimportant local exceptions. He continued to press the canvass with all of his force and earnestness, and it soon became evident that the Republican political canvass in the State was going to pieces. The result of the election showed a large white majority in each branch of the Legislature.

Governor Ames, pending impeachment proceedings against him, resigned his position of Governor of the State.

A. K. Davis, the negro Lieutenant-Governor, was removed from office by impeachment, and Hon. John M. Stone, then the President *pro tem* of the Senate, became the Governor of the State. Thus the white men gained full control of the State Government.

As a just recognition of his public services in this memorable epoch in the history of the State, Senator George was appointed, in 1878, one of the Supreme Court Judges of the State. In 1881 he was elected to the United States Senate. He was reëlected to a second term ending in 1893, and to a third term ending in 1899, and he remained in the Senate until his death, which occurred on August 14, 1897.

In concluding this subject, in order to illustrate, if possible, more graphically the critical character of the situations which were presented in Mississippi in the quasi revolution of 1875, and the perils that were apparent from the beginning until the *modus vivendi* of the Ames and George conference, and to place in a higher light the value of Senator George's work, I will recur to that extraordinary epoch in the history of the State.

Early in the year 1875, public affairs had reached the lowest depths, and under continued negro rule, ruin stared the white men in the face. The alternatives for the white men seemed to be absolute ruin under negro rule, or a bold and aggressive attempt to reëstablish white supremacy.

There was the great Taxpayers' Convention in 1875, participated in by white taxpayers with little reference to party affiliations, with its fierce and indignant protest against the robberies and corruptions of the existing administration. There was the manifesto of the white men of the Legislature of that year, proclaiming their wrongs and oppressions and their humiliations to



their white brethren of the North, and appealing to them for their sympathy in the effort that they proposed to make to throw off the intolerable burdens and degradations of negro rule.

There was, in 1875, the appeal of the Democrats in Congress to the white men of the South to be patient and courageous, and to await the day of deliverance.

Then came the Convention of 1875, that proclaimed its determination to sweep negro and alien rule from the State. The white blood of the State had stood the limit, and the white men had the purpose and determination in their hearts to overturn the Ames administration by force, if necessary, and regardless of consequences. The temper of the negroes was bad. They were making loud and noisy demonstrations. There had been the bloody race riot in Vicksburg. The negroes were arming, and Ames, after his ineffectual plea for Federal troops, had begun to organize his negro militia. The whole State was in a tumult and an uproar, with all the indications of a racial war. Race antagonisms grew so strong that the better class of white Republicans abandoned the Ames administration. Federal troops were in the State, and by a single stroke of the Presidential pen they could have been turned over to Governor Ames. The fortunes of the State had looked hopeless when Mr. Lamar uttered his memorable and historic cry of "May God help us." Every day would bring its alarms and perils and complications, to be met by Senator George with firmness and judgment. A misstep meant disaster, and a blunder meant ruin to the State.

It was my fortune to be one of Senator George's coadjutors, and I was present when the subject of the Ames conference was brought up in the caucus of Senator George, Mr. Smith, Mr. Green, and myself. I remember well how carefully every possible phase of the situation was discussed, and how fully every possible outcome of that course was considered.

I shall never forget the deep gratification of Senator George when the result of the conference was reached, and the heavy responsibilities that had borne upon him for months had been lifted, and when he saw plainly and clearly that we had reached, at last, after six long dark years of negro rule, the end of our oppressions and humiliations.

In concluding this subject, it will be noted that public senti-

ment in the North, in respect to the Reconstruction governments in the South had undergone at that time a decided change, and it had reached the point at which it would no longer tolerate the use of Federal troops to sustain those corrupt State administrations. The President said this to Governor Ames when he denied his call for troops.

Senator George, however, did not know the full force and extent of that sentiment, but he knew if we attacked the negro militia that the Federal troops would be placed at once at Governor Ames' disposal, and that then all hope of regaining control of the State would be at an end.

Without the slightest overstatement or exaggeration it can be justly said, that the deliverance of the State from negro and alien rule is more directly, and more largely, due to Senator George than to any other man.

## II. SENATOR GEORGE'S PUBLIC SERVICES IN THE YEARS 1889 AND 1890.

As early after the reestablishment of white supremacy in the State as the year 1876, there was some discussion in respect to the policy of calling a constitutional convention to place limitations on the suffrage, with the view of securing a good government for the State, based upon an intelligent and competent electoral body. This course was advocated by a few prominent men at that time, but the opinion entertained by the great majority of the white leaders after regaining control of their State government, was that the wiser course would be to attempt the task of maintaining a good government on the basis of unlimited suffrage, and under the auspices of white supremacy, before resorting to any constitutional legislation on the subject.

There was a large class of white men who thought that the negro vote might be influenced and controlled in the interests of good government, or that the negro voters could be induced to divide between the political parties, and there was a general disposition among the white leaders to give negro suffrage a fair trial under the best possible auspices then existing.

There was an apprehension, shared by many, that any movement in the direction of placing limitations on the suffrage would

provoke some unfriendly action against the State by Congress that was then largely Republican.

There was also serious doubts entertained by some in respect to the powers of the State to deal with the suffrage, under the terms of the Federal Statute of 1879, readmitting the State to representation in Congress, commonly known as the Readmission Act.

Under the influence of these various considerations, the white men endeavored for fourteen years to work out the problem of maintaining a good government, and law and order, in the State without resorting to the policy of placing limitations on the suffrage.

During that period every possible argument was made to the negroes to induce them to divide, and to abandon their policy of opposing solidly everything that was proposed by the white men. Every possible expedient, and experiment, was made to nullify the effects of the solid and unbroken negro vote.

In some localities the experiment was tried of dividing the offices with them, but this failed for the reason that the great mass of the negro vote was cast against the fusion tickets, as they were commonly termed, and in favor of the regular Republican tickets. This scheme proved impracticable for the reason also that the negroes who went into these fusion movements wanted the larger share of the offices, and it was impossible to satisfy their demands. Accordingly, this experimentation with the negro vote was soon abandoned.

In the year 1881 the Republicans made a fusion with, what was then known as, the Greenback party, in the hope of defeating the Democratic party, and Hon. Benjamin King, of Copiah county, and formerly a Democrat, was placed at the head of the fusion ticket as the candidate for Governor.

Hon. Robert Lowry was the Democratic nominee for the Governorship, and the whole ticket was composed of high class men.

There were at the time several thousand, perhaps two or three thousand, white men in the Greenback party in the State. The negroes were thoroughly organized under a white leadership, the color line was drawn, and the canvass was heated and exciting. The Democratic ticket was elected, but only after a long and hard fought canvass.



The lesson of this Lowry-King canvass, as it was termed, taught anew to the white men of the State the dangers that lurked in unlimited negro suffrage, and it illustrated in a striking manner the new danger from the enormous negro vote when it was encouraged and supported by a few thousand native white men, who would abandon their own race for the sake of gaining the political offices and political power in the State.

All that stood between the negro voting majority in the State and the maintenance of good government, were election methods and contrivances, that were not sanctioned by law, and which were in themselves harmful to the cause of public morals.

From that time a public sentiment in favor of a constitutional convention to place limitations on the elective franchise begun to be developed.

In the year 1889 there was an election of State officers, and members of the Legislature, and the question of calling a constitutional convention was the issue in the canvass of that year.

A number of distinguished and popular leaders in the State, prominently among them being Senator E. C. Walthall, strongly opposed a convention. Senator George, then in the United States Senate, was strongly and unqualifiedly in favor of the policy of limiting the suffrage.

These two popular and distinguished men, each patriotic and sincere in his convictions and each devoted to the best interests of the State, were the leaders respectively of the two factions on this issue, or policy, which was to be decided by the white men within their own party lines.

In the light of subsequent events, it may now appear a simple matter to have placed limitations on the suffrage that would secure a white majority in the State, but the difficulties and complexities presented at that time are alone to be taken into account in estimating the value and importance of the services rendered by Senator George to the people of the State in that critical juncture of their affairs.

I shall endeavor to state the difficulties and obstacles that stood in the way of an effectual disposition of the suffrage question at that time.

Under the operation of the terms of the Fifteenth Amendment

to the Federal Constitution, no State in dealing with the elective franchise can make any racial discriminations whatever.

Accordingly, whatever restrictions that were placed upon the suffrage, would have to apply to both races, and a condition that would disqualify a negro voter, must also disfranchise a white voter who stood in the same predicament.

It was apparent, therefore, that in excluding the great mass of ignorant and incompetent negroes by any permissible suffrage scheme, a number of white men would be disfranchised. This was a matter of common knowledge to the white men of the State, and there was a strong and bitter opposition by numbers of the white leaders to any measures that would deprive any white man of his right of suffrage. This was a strong factor to be considered in the formulation and carrying through of any suffrage scheme.

There was another class of white men who entertained grave doubts and apprehensions in respect to the action of the Republican party in the event that the State violated the terms of the Readmission Act by putting limitations on the suffrage.

There was another class of public men in the State who doubted whether any measures that would prove practical and effectual, could be worked out by a constitutional convention.

Probably as subtle and as potent a factor that had to be dealt with in the situation, was the apprehension entertained by many, that the solidity of the white men would be jeopardized or imperiled by the discussion in a constitutional convention of suffrage measures that would disfranchise white voters.

Again there were many who preferred illegal election methods to what they regarded in the light of hazardous experimentations in the way of limiting the suffrage by constitutional legislation.

When all of these various objections are considered, it will be seen that Senator George's task bristled with difficulties and complications.

His position involved simply an appeal to the reason and judgment of the people of the State, and it was, necessarily, not only devoid of any possible enthusiasm, but it was an unpalatable and ungracious task that he had most patriotically and unselfishly assumed.

None of the Southern States had moved in the matter of the suffrage. They were simply drifting, and using all manner of

extra legal schemes and contrivances, to nullify the negro vote which were makeshifts and which were sure to be abandoned in time.

Senator George addressed himself to the work of redeeming the State from the dangers of negro suffrage on the one hand, and of election frauds and contrivances on the other, with all of the force and earnestness of his character.

He made a speech in Jackson, in the hall of the House of Representatives, in the summer of 1889, to a splendid audience, that for candor of statement, sincerity of purpose, and logical analysis, was simply unsurpassable. It produced a profound impression throughout the State in favor of calling a convention.

Senator Walthall, shortly afterwards, spoke in the same hall to a large audience, against the policy of attempting to have a constitutional convention. He was an agreeable and attractive speaker, and a man of great personal popularity.

The issue at that time looked doubtful, but the majority of the newspapers of the State, under the powerful and unanswerable logic of Senator George's arguments, came to his support.

Senator George, as I know, both from his private as well as his public utterances in respect to the policy of limiting the suffrage, was deeply impressed with the difficulties in his path, and he viewed the whole situation, and everything that was proposed, in the most serious and conscientious manner. He was scrupulously sincere in his avowed purpose of taking no step that would be, in any manner, violative of the Federal Constitution. And he was as conscientiously determined to do nothing that did not meet his convictions in respect to the public welfare, and that was not for the best interests of both the white and the colored citizens of the State.

In all of his public utterances he expressed the most sincere and profound conviction that the interests of both races could be best promoted and secured by limiting the suffrage in such a manner as to eliminate ignorance and incompetency from the electoral body, and by the maintenance of white supremacy by lawful and constitutional methods.

He expressed at all times his appreciation of the obligation that rested upon the white race to treat the colored race with kindness



and patience, and with absolute justice in all things, and to elevate their morals, and to promote a higher citizenship among them.

In a letter published in the *Commercial Herald*, of Vicksburg, during the canvass of 1889, Senator George set forth at length his views upon these subjects. In that letter he declared that every man who had registered as a voter, or who had held an office in Mississippi since the year 1868, had taken voluntarily an oath to support the Constitution of the United States and to disobey the Constitution would be a violation of that oath. He declared that this oath should be held inviolate.

The following passages from that letter express with great force and earnestness his convictions in respect to the public interests involved in the policy of restricting the suffrage:

"Our oaths to support those provisions [referring to the Fifteenth Amendment] must be sacredly observed; and for one, whether in office or in private life, I propose to redeem this solemn pledge in letter and in spirit. To enable us to so redeem it with safety to ourselves and to our colored fellow-citizens we must have a government so organized as to be capable of the legitimate work of government, the protection of life, liberty and property. When we have such a government the task will be easy, but I propose to perform it whether it be easy or difficult. I would make the colored man feel that he is as safe in his person and his property, and in his civil and political rights as the white man. He is here among us, a part and the larger part of the citizenship of the State. He must be made a good citizen, and must be taught to love and reverence the name and character of the State as we do.

"He must also be taught to rely on the State, as white men do, for protection in all his rights. He has political rights which cannot be denied him, and these rights impose upon him the proper performance of political duties. He must be taught to perform aright these political duties, of which he is lamentably ignorant. He must be taught both by precept and example that notwithstanding the social gulf which must forever separate him from us, his happiness, his welfare and his advancement are as much the end and aim of the State government as the welfare and happiness and advancement of the white race. Whatever we may believe as to the impossibility of molding a capable and safe political society out of the two diverse races, we must at least make a fair trial to accomplish it. So that if future failure comes, as many wise men are assured it will come, we may be acquitted of the blame, and being without fault, we may appeal with confidence to the people of this great country for that relief which will be as essential to the negroes' welfare as to ours."

Senator George's views in regard to the Fifteenth Amendment were that the people of the State should not defer action upon the suffrage question in any hope of a repeal of that Amendment, but that they should act without delay, and scrupulously observe their obligation to obey the Federal Constitution, and attempt the solution of the suffrage question within the restrictions of all con-

stitutional limitations that had been placed on the power of the State.

With great diplomacy and sagacity, Senator George refrained carefully from proposing in the canvass any particular measure of relief, or any plan for regulating the suffrage. All of that was left open, and he made the canvass upon the basis that may be stated in the following propositions:

Any constitutional measures regulating the suffrage must be within the limitations imposed upon the power of the State by the terms of the Fifteenth Amendment.

Within the limits of the constitutional power left in the State by that Amendment, it is entirely practical to adopt measures of relief that would remedy, to a large extent, the evils of unlimited negro suffrage.

In adopting such a measure, it would be unavoidable that a certain number of white men should lose their votes, but the urgency of the situation, and the welfare of the whole people of the State required and demanded that there should be some patriotic self sacrifice among the white men, and some measure of private right should be yielded in the cause of the common good.

The people of the State had reached the point when they were compelled to choose between illegal election schemes and contrivances, and constitutional and legal methods. That, in the nature of things, the former could only be temporary makeshifts and expedients, and that sooner or later they must be abandoned.

Senator George expressed his confidence in the wisdom, and patriotism, of the white men of the State, and the conviction that a constitutional convention, composed of the ablest and most patriotic men of the State, as it undoubtedly would be, would find a way of adopting measures of relief that would prove both practical and effectual, and that would secure to the people of the State the blessings of good government by constitutional and legal methods.

The apprehension entertained by many, that the discussion in a convention of measures that would disfranchise any white voters would produce dissensions or disruptions in the ranks of the white men and imperil white solidity, that was so indispensable to the safety of the State, was in no measure shared by Senator George. On the contrary, he thought that a full and candid dis-

cussion of public affairs of the State, in view of the common danger, and of the mutuality of interests of all classes of white men in the cause of securing good government for themselves and for their posterity would bring the white men into stronger bonds of unity, and would unite them all the more closely in the patriotic and difficult undertaking then proposed.

Besides every other consideration, he pointed out the undeniable and dominating fact, that the white men of the State had to rely upon themselves at last for deliverance from their troubles, and that if they could not be relied upon to proceed with harmony and conservatism, and patriotism, in a constitutional convention, a body that alone had the authority to act in the premises, then there was no hope that the people of the State could ever be rescued, permanently, from the impending danger of negro domination.

Under the influence of Senator George's candid exposition of the real situation in the State, and of its perils, and encouraged by his unanswerable appeals to the judgment of the people, to face the full measure of the dangers that threatened them, the tide of public sentiment and conviction turned, and the result was the election of a large majority of Senators and Representatives who favored the policy of calling a constitutional convention for the purpose of dealing with the elective franchise.

The Convention assembled in Jackson on August 12, 1890, and began at once the consideration of the condition of the State in respect to the suffrage.

It is not my purpose to make a review of the work of the Convention but to give a general idea of Senator George's position and influence in that body of eminent and distinguished men. He had wisely, as has been observed, refrained from proposing at the outset any particular scheme, or plan, for regulating the suffrage, and accordingly, he occupied a position in respect to the subject in which he could use his influence in any direction, and according to the exigencies of the occasion.

There were a great variety of views entertained by the members of the Convention in respect to the character of measures that should be adopted.

There were many who favored both property and educational qualifications on the suffrage, and many who opposed all prop-



erty qualifications, and there were others who were opposed to any conditions that would disfranchise any white man. Another subject upon which there was wide differences of views among the members, was that of the legislative apportionment.

The Convention was in session for four months, and during that period the subject that received by far the largest share of attention and consideration was the suffrage. Some idea may be gained of the difficulties presented from the length of time devoted to the work of harmonizing individual opinions and views, and bringing the Convention to the acceptance of some particular measure that would prove effectual, and at the same time prove acceptable to a majority of the membership, and that would satisfy the opposition in such a manner as to avoid any possible break in the solidity and the harmony of the ranks of the white men of the State.

It was upon these lines that Senator George directed his efforts and influence in the Convention, and to his skill and diplomacy and to his personal influence is largely due the result of the work of the Convention in respect to the suffrage, that has proved to be a blessing to the people of both races in the State, and that has brought peace and tranquility to the Commonwealth.

### III. SENATOR GEORGE'S DEFENCE OF THE MISSISSIPPI CONSTITUTION IN THE UNITED STATES SENATE.

The crowning achievement of Senator George's public life, and the appropriate climax to his public services to the people of the State of Mississippi in the great work of their deliverance from the dangers and evils of unlimited suffrage, was his great speech made in the United States Senate in defence of the suffrage and legislative apportionment measures adopted by the Constitutional Convention of 1890.

Senator Hoar, Senator Evarts, Senator Hawley, Senator Edmunds, and Senator Spooner, the first four of whom were then among the great leaders of the Republican party, participated in the debate against the Mississippi Constitution. Senator George stood alone against this powerful array of Republican statesmen and skilled debaters.

This debate occurred at the session of Congress immediately following the adoption of the Mississippi Constitution.

Mississippi was the first of all the Southern States to ignore the terms of the Readmission Acts of Congress, and place limitations on the suffrage, and by this action it was the first to draw the fire of the Republican political batteries.

The suffrage provisions as well as the legislative apportionment provisions of the Mississippi Constitution were assailed in this debate by the Republican leaders. They assailed what is generally termed the "understanding clause" of the suffrage provisions of the Constitution as insincere and as evasive of the Fifteenth Amendment, and they charged that its sole purpose was an unfriendly discrimination against the negroes.

The legislative apportionment was criticised as a scheme to place the legislative power of the State in the white counties, and to discriminate against the negroes. An attack was made all along the line upon the provisions which placed the qualifications on the suffrage that excluded the great mass of negro voters from the electoral body.

Senator George spoke on three separate days, and his speech covered the whole field of thought involved in the voluminous subject of state constitutional provisions in respect to the suffrage, and the relations existing between the two races, not only in the Southern States but in the Northern States, in the most comprehensive and masterly manner.

There is nothing in the whole literature of the subject as graphic and as luminous, as his exposition of the workings of unlimited negro suffrage, and the abnormal and unprecedented situation in which the white men of the South were placed by the wholesale enfranchisement of the negroes by the Reconstruction Acts of Congress.

The invalidity of the conditions of the Readmission Acts of Congress providing that the State should never place any property or education qualifications on the suffrage was demonstrated by a line of argument that is simply unanswerable.

The proposition that none of the suffrage provisions of the Mississippi Constitution were violative of the Fifteenth Amendment, or of any of the limitations imposed by the Federal Constitution on the powers of the States, was maintained by the clearest and most conclusive reasoning.

Senator George demonstrated from the highest point of view,

and in the most candid, lucid and admirable manner, the justice, the wisdom and the expediency as well as the necessity of placing limitations on the suffrage in this State.

Without heat, or recrimination, but in the tone of the highest forensic style, with dignity and eloquence, he gave the United States Senate, and through that august body, the people of the North, the Southern white man's views and convictions upon racial questions, and upon the political relations existing between the races in the State.

He declared that it was the deliberate and settled judgment and conviction of the white men of the State, that the negro was not a safe depository of political power. And, moreover, he said that this was the judgment and opinion of the white men of the North who had excluded the negro absolutely from all participation in politics as the latter were emancipated by the Northern States.

As each of the Northern States emancipated its slaves, it remitted them to the status of its non-voting population. The word white was written in the suffrage clauses of the constitutions of all the Northern States, except two New England States where there were no negroes.

This continued to be the status of the emancipated negroes in the Northern States until the adoption of the Fifteenth Amendment which fastened negro suffrage upon the whole country.

It is thus seen, conclusively and beyond controversy, that the white men of the North, for all of that long period of time in the history of the country, held the opinion, entertained by the Southern men of to-day, that it is not wise or safe to place political power in the hands of the negroes. And more than that, in answer to the charge of hostility and injustice to the negroes, exhibited by the restricting legislation in this State in 1865 and 1866, against them, Senator George cited the statutes of all of the Northern States, with the exception of two New England States, to show that the same character of restrictive statutory provisions were enacted by those States upon the emancipation of their slaves.

Some of those Northern statutes had been repealed, but many of them stood on the statute books until they were nullified by the operation of the Fourteenth and Fifteenth Amendments. It was



also pointed out that the same Legislature in Mississippi that passed those statutes voluntarily repealed some of them and greatly modified others in 1876, and prior to the time of the adoption of the Reconstruction Acts.

The basis upon which Senator George's presentation of the case of the white men of Mississippi in their treatment of racial questions largely turned was that when they had temporary control of the State under the administration of Governor Humphries they passed the same character of statutory regulations for the freedmen as were adopted by the States of the North upon the emancipation of their slaves. The point was emphasized, and given great prominence in the debate, that the white men of the North were never accused of personal hostility to the negroes as the motive for their legislation on the subject, nor were they criticised for injustice or oppression against the newly emancipated slaves.

The motives and purposes of the white men of Mississippi were equally beyond criticism, in the enactment of precisely the same character of legislation.

Upon the vital point in this great Senatorial controversy the alleged oppressive and wrongful disfranchisement of the great mass of the negro voters by the Mississippi Constitution, Senator George advanced the impregnable and unanswerable proposition, that this measure was the result, not of unfriendliness or unkind sentiment against the negroes, but upon the conviction, a conviction and opinion shared in by the white men of the North, and which has been maintained throughout the history of the great race from which the Southern men come, that the negro is not a safe depository of political power. This idea was brought into strong relief by the undeniable and historical fact that this judgment and conviction of the Northern men was proved by every public measure that they had ever adopted on racial lines until the Reconstruction Acts of 1867, when the Republican party forced unlimited negro suffrage, and negro rule, upon their white brethren of the South. This does not touch the point in respect to the expediency, or the merits of that legislation, but it completely disarms, and dispels, all criticism as to the sincerity of the motives of the legislators who enacted those measures, and this must apply to the Southern as well as to the Northern States.

Senator George alluded to the defeat of negro suffrage in New York in 1868. And that it was also defeated after the Reconstruction Acts had been passed, and prior to the adoption of the Fifteenth Amendment, by the great States of Ohio, Illinois, Wisconsin, Michigan and Connecticut, in other words, every Northern State in which it had been proposed.

He also called attention to the fact that the National Republican Convention of 1868, the Convention that nominated General Grant for the Presidency, declared in its platform that negro suffrage must be forced on the South, but that it must be left to the Northern States to decide for themselves whether they would have negro suffrage or not.

All of these considerations were presented by Senator George, not by way of recrimination, nor in any spirit of heat, or resentment, but in the calmest and most admirable temper, they were put forward as a complete defence and vindication of the policies adopted by the white men of Mississippi in dealing with the race questions, and in vindication, especially, of the sincerity, and entire directness, of their motives and their purposes. In all that had been done, they had acted upon their own honest convictions of the public good, the highest considerations of the welfare, and prosperity of both races, and upon the exigencies of a situation that demanded such measures.

It was shown by quotations from the public utterances of numbers of prominent Republican leaders that the consensus of opinion in the Republican party prior to the passage of the Reconstruction Acts, was against anything looking towards unlimited negro suffrage, either in the Northern, or in the Southern States. Among the distinguished and eminent Republican leaders who entertained this view were President Lincoln, Hon. Preston King, Hon. Lyman Trumbull, Hon. Thaddeus Stevens, General Banks, Mr. Garfield, Mr. Fessenden, Mr. McCullough, and Mr. Conkling. The lesser Republican leaders could have been quoted by the hour on this subject.

In order to illustrate the Northern view of the emancipated slaves, he alluded to the fact that soon after the Emancipation Proclamation of Mr. Lincoln, in many portions of the Northern States there was a general apprehension that the negroes would leave the South and move into the Northern States. To allay

these apprehensions Mr. Lincoln, in a message to Congress, assured the Northern committees that they could exclude the negroes from their States if they saw proper to do so.

It was only after the Southern States had declined to ratify the Fourteenth Amendment as the basis of Reconstruction, that the Republican Party forced negro suffrage on the South. And this, Senator George showed by quotations from the speeches of the leading and prominent Republicans made in the progress of the debates in Congress on the Reconstruction Acts, was a partisan measure designed to secure a negro constituency in the Southern States that would maintain the Republican Party in the administration of the National Government indefinitely. Mr. Stevens, the great Republican leader in the House of Representatives, in his advocacy of that measure on the floor of the House, boldly declared that to be the purpose and object in view. Mr. Garfield, who was afterwards President, and many other eminent Republicans announced the same view, but in more guarded and conservative terms, though their meaning was quite as clear and unmistakable as that of Mr. Stevens.

Senator George gave a powerful, graphic and comprehensive exposition of the practical workings of negro suffrage in Mississippi, under the Reconstruction government, and also under the auspices of white rule, and he demonstrated the correctness of the conclusion that unlimited negro suffrage, from every point of view, had proved a failure.

Attention was called to the fact that the white men in the Northern States do not share their political power with the negroes, showing that when the question of white government comes home to them, their own conviction is that the superior race should rule, and that political power and the functions of government cannot be safely intrusted to the negroes.

Senator George declared that the white men of the South would never submit to the domination of the negroes, and this is according to the traditions and the history of the great race from which they come. At the same time, they recognized, to the fullest extent, the obligation resting upon them to treat the negroes with absolute justice and fairness, to assure them protection in all of their just rights, and to elevate them in the duties of good citizenship.



The two races are here, occupying the same country, and to remain permanently under one government, and it is for the highest and best interests of the white race, and for the welfare of both races, that they should deal with all questions affecting the races in such manner as to promote the prosperity, the welfare and the happiness of the colored citizens of the State.

The white men recognize the fact that this is not purely a local and domestic question, but that the whole country is interested in the proper treatment of racial questions in the South, and that the Federal Constitution and laws pertaining to the subject are to be faithfully and scrupulously observed. But at the same time, it is a self evident proposition that the problems of government growing out of the relations existing between the two races in the South, more directly and more profoundly affect the Southern people, both white and black, than they do any portion of the North; and upon this, the conviction of the white men of the South is that these difficult and complicated problems can be more wisely and more effectually worked out by those who are directly brought face to face with them. And it is their further conviction, based upon their knowledge and their study of the exigencies of their situation, and upon their long experience, that while they are making every effort, in the most perfect sincerity and good faith, to deal with these questions wisely and justly, that outside influences and interferences act as an irritant, and that they retard a solution of these grave problems of government.

Senator George gave an admirable exposition of the purpose and object and the motive of the members of the Constitutional Convention in enacting, what is commonly termed the "understanding clause" of the Mississippi Constitution, in answer to the charge made by the Republican Senators that the purpose was to discriminate unfairly against the negroes.

The meaning of this provision was, not that a voter was to understand that Constitution from an academic point of view, but from the ordinary standpoint of a layman. There is a class of voters who cannot read or write, but who are taxpayers and good citizens, who are thrifty and honest, who have accumulated property, and who are intelligent enough to understand the common principles of our form of government, and the duties of good citizenship, and who can be trusted with the ballot. This class

of voters was in the contemplation of the Constitutional Convention in the enactment of this provision of the Constitution, and there is in this provision no racial discrimination.

The sinister design that this provision in its execution was to be used against the negroes who might be entitled to vote under it cannot justly or fairly be imputed to the framers of the Constitution. It was pointed out that the Constitution of Connecticut, Senator Hawley's State, prescribed as a suffrage qualification that the voter should be of "good moral character." Vermont, Senator Edmund's State, has a Constitution prescribing as one of the conditions of the suffrage that the voter must be "of quiet and peaceful behavior," while by the Rhode Island Constitution of 1842, the selectmen of the towns selected the electors.

It was explained, that the legislative apportionment adopted by the Constitutional Convention, was based more largely upon the voting population of the different counties of the State, than the total population of the several counties. It was regarded as a just measure, although the effect was to give greater political power to the counties having the larger voting populations, which were the counties that in fact had the largest white populations, and accordingly the larger number of voters.

The State of Mississippi acting in its sovereign capacity, and within the scope of its constitutional powers, and with a scrupulous and careful observance of all of the limitations imposed upon State powers by the Federal Constitution, cannot be subjected to the criticism of ulterior and sinister purposes, in the exercise of its sovereign prerogatives, any more than the States of Connecticut, Vermont or Rhode Island, or any other of the Northern States that placed conditions upon the suffrage, can be the subject of such charges, or criticisms, or insinuations.

Senator George declared his sincere conviction that any other men of our race, placed in the same situation, could not, and would not, have acted with any greater wisdom and judgment, or with higher motives, or with a greater sense of justice, or with greater solicitude for the interests of the State than has characterized the motives and actions of the white men of Mississippi in dealing with racial questions.

The entire field of debate was covered by this speech which will stand forever, as it does to-day, as a masterful and complete

vindication of the validity and constitutionality of the entire suffrage scheme of the Mississippi Constitution, and as a dignified and unanswerable defence of the motives and purposes of the framers of that instrument.

That debate is without a precedent in the parliamentary history of this country and nothing like it ever occurred in the history of the English speaking people, or in the history of the Caucasian race. It presents the curious spectacle of the assailment of the white men of a sovereign State of the American Union for exercising their constitutional prerogatives in dealing with the question of negro domination over them, and made against them by men of their own race, on purely partisan lines, and for partisan purposes. It is within the bounds of moderate and correct statement to characterize this speech of Senator George as one among the greatest and most masterful deliverances that has ever been heard in the Senate of the United States.

It thus appears that in these great critical epochs in the history of Mississippi, Senator George stands as the central figure and as the chief actor in shaping the destinies of the State. On all these great occasions he showed the boldness, the skill and sagacity of a great constructive statesman.

The history of Mississippi is elevated and adorned with the eloquence, the oratory and achievements of its statesmen, the learning and distinction of its jurists, and the skill and courage of its soldiers, but of all the patriotic sons of this Commonwealth, excepting not one name on the long and brilliant list, there is no man whose public services to the State compares in value and importance to the work of James Z. George. The eloquence of the orator may be forgotten, the public services of soldier, jurist and advocate may fade away down the long corridors of time, but the work of J. Z. George will stand for the admiration and gratitude of generations yet unborn, in the history of the redemption of the people of this State from negro and alien rule, and the establishment of white supremacy on an enduring and constitutional basis.

#### BIBLIOGRAPHICAL NOTE.

1. Senator George's speech is printed in full in the *Congressional Record* of the Second Session of the Fifty-first Congress.
2. The circumstances attending the Peace Conference are given in "Con-



ference between General George and Governor Ames" published in Volume VI. of the *Publications of the Mississippi Historical Society*.

3. There is a graphic account of the Reconstruction Governments in the South in Professor Woodrow Wilson's *History of the American People*.

4. Mr. Lincoln's message on the subject of negro immigration to the Northern States is in Richardson's *Messages and Papers of the Presidents*, Volume II, p. 249.

5. The appeal of the Democratic members of the Mississippi Legislature appears in the *Weekly Clarion* of Jackson, of December 24, 1874.

6. The address of the Democratic members of Congress appears in the *Weekly Clarion* of February 25, 1875.

7. A full account of the Taxpayers' Convention will be found in the *Weekly Clarion* of January 7, 1875.

8. A paper by Hon. S. S. Calhoun, who was President of the Constitutional Convention of 1890, on the subject of the Convention appears in Volume VI. of the *Publications of the Mississippi Historical Society*.

9. A paper by Hon. J. S. McNeilly, who was a member of the Convention, on the inside workings of that body also appears in Volume VI. of the *Publications of the Mississippi Historical Society*.

10. There is a valuable compilation of the statutory and constitutional provisions of the Northern States in relation to the freedmen, by Mr. Alfred H. Stone, in Volume IV. of the *Publications of the Mississippi Historical Society*.

11. "Suffrage and Reconstruction in Mississippi," by Frank Johnston, in Volume VI. of the *Publications of the Mississippi Historical Society*, is a political review of the period from 1865 to the time of the debate in the United States Senate on the Mississippi Constitution.

## THE ANTE-BELLUM HISTORICAL SOCIETY OF MISSISSIPPI.

BY Z. T. LEAVELL.<sup>1</sup>

Faithful historical research demands the careful gathering of historical data from all available sources. If it be true that "there is a divinity that shapes our ends," history is a web, of which human action is the woof closely beaten into the concealed warp of the divine purpose. Every part of the web is essential to its completeness, and bears upon or supports some other part of the fabric. Each event of time has its worth. It is part of the integer of human affairs. It matters not how obscure the historical past, or how much its obscurity baffles the sober thought or taxes ready energy, when placed in its natural setting, it throws light upon kindred facts though they be already plain and evident. Human action represents human thought and in history we have consecutive thinking in the form of concentration of human deeds. In history we have the best practical thoughts of the best thinkers represented in action, consecutive.

The Ante-Bellum Historical Society of Mississippi has its place and its worth in the annals of our State. The fact of its existence has been almost forgotten. Impending oblivion has well nigh blotted out its transactions. Feeble are the lights that fall on the extant pages of its history. But it had its mission to fulfill in its brief existence and some of the papers upon which its records have been placed have escaped the ravages of time and the effacing effects of war.

The projectors of the Society claimed by merit their place with the best thinkers and most honored men of their day. It was not launched by mere sentiment as a thing ephemeral. It was not a project of weaklings. Leading men of affairs, statesmen, phys-

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<sup>1</sup> A biographical sketch of the author of this contribution will be found in the *Publications of the Mississippi Historical Society*, IV., 245. It is with profound regret that the editor of this volume records the great loss which the cause of State history incurred in the death of Dr. Leavell on Aug. 12, 1904.—EDITOR.

icians, attorneys and ministers of the gospel were prominent in all of its proceedings.

Hon. Livingston Mimms, ex-mayor of the city of Atlanta, Georgia, is the only surviving officer of the Society. He was its recording secretary. He easily holds his place with the leading insurance men of our day. In answer to a letter addressed him as to the affairs of the Society, he replied that the institution "was formed under the active direction of Mr. Ben Sanders, then State Librarian, and with the active co-operation of Hon. J. B. Cobb, of Columbus, Miss., and Col. J. F. H. Claiborne." It becomes apparent, therefore, that the conception of the institution was with these three men. The position of B. W. Sanders is defined in the statement; he was holding the office of State Librarian. Hon. Joseph B. Cobb was known in literary circles as the author of *Mississippi Scenes*, in which he showed familiarity with our State institutions. Seventeen years before the organization of the Society, Col. J. F. H. Claiborne began a successful literary career which he closed with the production of his *History of Mississippi*.

The call for a meeting to form an historical society was assuredly made at the instance of these three men of letters. The meeting was held in the Representatives' chamber of the old Capitol building on Tuesday night, Nov. 9, 1858. The Legislature was in extraordinary session, called to convene by Gov. McWillie. In the temporary organization of the Society, Col. B. L. C. Wailes was called upon to preside and Victor W. Thompson acted as recording secretary. Victor Thompson was a distinguished citizen of Oxford. Colonel Wailes lived at old Washington in Adams county, and was versed in the agriculture and geology of the State and deeply interested in its institutions and its history. One who was friendly to the purposes and designs of the Society at the time wrote:

"It bids fair to accomplish great good. It is a duty which an intelligent people owe to themselves, to their ancestors and to their posterity to collect and preserve all the memorials, relics, curiosities, documents, books, manuscripts, and newspapers, which will shed light upon, and illustrate the origin, rise, and progress of our Commonwealth."

Messrs. B. W. Sanders, Wm. Cary Crane and L. H. Milliken were appointed a committee "to report a Constitution." This Constitution is extant, and will appear in full in Appendix A of this paper. It refers largely to the duties of the officers of the society.



It will be of interest to state that it provides that the Society should be domiciled and its officers should hold their incumbency for two years. The regular meetings of the Society were to be held annually, on the second Monday in November, and twelve members should constitute a quorum to do business. The Constitution has thirteen signatures subscribed. It is evident that the men who constituted the institution were free from one prevailing superstition and were very religious. They feared not the number 13, and 7 of the 13 subscribers to the Constitution were ministers of the gospel, Revs. Wm. Cary Crane, an enthusiastic historian, was born in Richmond, Va., and held pastorates in our State in Columbus, Yazoo City, and Vicksburg. L. H. Milliken, golden-tongued, was pastor in Aberdeen and at Jackson. D. S. Snodgrass was calculative and persuasive. A. C. Caperton, of Carroll county, was then young, but was afterward known throughout the State of Kentucky. W. H. Anderson was for a number of years pastor in Natchez, and later in Jackson. Wm. Croes Crane, learned and pious, was for many happy years rector of the Episcopal Church in Jackson. D. E. Burns, born with genius, tall and commanding in personal appearance, was the Apollo Belvidere of the southwestern pulpit. With the names of Wailes, Thompson, Clark, Sanders and Catchings, is that of DeWitt C. Quinn. He was the eloquent young representative of Pike county, and soon after lamented by his people.

A committee appointed to present a list of officers for the permanent organization of the Society reported, recommending Col. B. L. C. Wailes for President. The five Vice-Presidents in their order were Wm. Cary Crane, W. S. Barry, Isaac N. Davis, Jno. J. Pettus, and D. W. Hurst. Livingston Mimms was made Recording Secretary, B. W. Sanders, Corresponding Secretary and Librarian, and Wirt Adams, Esq., Treasurer. The Executive Committee consisted of Cotesworth P. Smith, E. Barksdale, Thos. J. Catchings, Geo. S. Yerger, and H. F. Ellett.

The distinguished men in the list of officers, not yet spoken of, were W. S. Barry, Speaker of the House of Representatives in 1856, Gov. Jno. J. Pettus, the pride of old Kemper county, D. W. Hurst, made Judge of the Supreme Court in 1863, Wirt Adams, who was afterward a brigadier general in the Confederate service, Ethel Barksdale, for many terms member of the United States

Congress, Geo. S. Yerger, a noted jurist of Jackson, and C. P. Smith, who became Chief Justice in 1861, and Thos. J. Catchings, physician and statesman, father of Hon. Thos. C. Catchings, of Vicksburg.

Wm. Cary Crane, L. H. Milliken, and Thos. J. Wharton, Esq., were appointed a committee to prepare an address to the people of the State soliciting their co-operation in promoting the objects of the Society.

Only this extract from the address will be used in this reading:

"As Mississippians, we have, apart from our common heritage in the great republic, a history of our own, replete with interest and instruction; and among the fathers of our State were men whose names and character may each be dwelt upon with patriotic pride. Nor can we accept the alternative that those who are now reaping where others have sowed, that those who are favored occupants of the fair land which they explored and settled when it was yet a wilderness, are a thankless race, or forgetful of those to whom they owe their greatest heritage.

"It is not in Mississippi that State feeling and State pride are wanting. It is not here that men who have served us well are forgotten because they are dead. No, the hearts of our people are true, and their memories faithful; and we are well assured they only need to be reminded that what is engraven in the memories and hearts of the present generation should have also a permanent record for generations yet unborn. There may have been neglect, but no indifference; and now, that the opportunity is afforded them of discharging the sacred duty, the earnest appeal that the material which elucidates our early history may not be suffered to perish, but be gathered and garnered with filial care, will not be in vain. Let us, fellow-citizens, preserve from oblivion, *now* while we may, the names and deeds of the hardy pioneers, who laid the foundation of our noble State, and of those who, by their wisdom and their valor, have since contributed to its wellfare and renown. Already much has been lost. The first settlers are all gone, and their immediate descendants are rapidly passing away. Unless it is *now* secured, the authentic history will soon be beyond our reach. The mementoes of Indian occupants of our soil are scattered over the whole State with none to gather them. The extinct Natchez tribe has come to be regarded as almost a myth. The notices of European expeditions, commencing with DeSoto in 1542, and of European settlements, commencing with La Salle in 1681, are very obscure. The influence of the French and Spanish *regime* upon our early history is almost unknown, and the very annals of our territorial government are in danger of being lost."

<sup>2</sup> The editor has taken the liberty to insert, as Appendix B of this contribution, the full text of this interesting address, a copy of which was found among the papers of Dr. Leavell after his death.

A program was gotten up for the exercises of the following year. William Cary Crane was to deliver an address, and Chief Justice Cotesworth P. Smith and Col. J. F. H. Claiborne to contribute essays on appropriate subjects. The Executive Committee was requested, during the recess of the body, "to correspond in relation to objects of the Society with such persons as they may

deem it expedient and proper and that they be authorized, in the meantime, to make arrangements for printing, and to cause to be published such portions of the contributions as may be made to them as they may deem of historic value, and to lay such correspondence before the Society at its next meeting."

A draft of the charter of the Society was submitted and approved, which was incorporated in the laws of Mississippi for 1858, being approved Nov. 17, 1858. This document is reprinted in Appendix C of this paper. The striking feature of the act was the House amendment, requiring that "the small apartment, adjoining the Library room of the old Capitol on the south side of the main room, be set apart for the uses of the Society and be fitted up for the purpose by the State Librarian.

The preserved account of the proceedings of the Society for 1859 is exceedingly brief. It was the first annual session of the Society. In an old newspaper may be found this statement:

"The State Historical Society of Mississippi met in the House of Rep. on Thursday the 10th of November, 1859, at 7 o'clock P. M. After being duly organized, Elder Wm. Carey Crane delivered the first annual address, which was listened to with breathless attention by a large and intelligent audience. It was peculiarly appropriate to the occasion. It will be published in pamphlet form."

The Legislature was again in session at the time of this meeting and J. A. P. Campbell, of Attala county, then young and promising, was chosen by acclamation as Speaker of the House.

On the 13th of November, 1860, about the date for the second annual meeting of the Society, the excitement over the political condition was intense in Jackson. On that day, a large mass meeting was held. Ringing resolutions on secession were reported to the meeting by a committee of 17, with Wiley P. Harris as chairman. Eloquent speeches were made by E. M. Yerger, Wiley P. Harris, Jno. T. Freeman and W. M. Estell. A company of minute men was at once organized numbering 264. All was excitement over *the making of history*, and the Historical Society was out of mind. Chief Justice Smith, chairman of the Executive Committee of the Society, asked the special privilege of writing his name first on the muster roll.

What was accomplished by this Historical Society in its brief existence? Did any lasting results accrue from the labor of its promoters? Who were the men that did most for its success?



That the organization was fruitful of results can hardly be questioned. Its work in aiding to preserve our history from impending oblivion is obvious. Hon. Livingston Mimms says as to the material gathered by the Society, "Col. Claiborne had possession of them in writing his history of Mississippi." It is stated that one of the designs of the Society was to collect and preserve, *for the use of the historian*, materials yet extant in "precarious forms of MSS. or which have been transmitted by tradition." Colonel Claiborne, in the introduction to his history, says he essayed "to preserve time worn papers and documents" which had been intrusted to him, and that most of the facts in his book "were derived from MSS. of the prominent actors in the scenes described." The work done by the Ante-Bellum Society formed the basis of Claiborne's *History of Mississippi*, the first history written of our loved Commonwealth, and the basis of all our State history.

Of all the distinguished men connected with the Society, there are three imperishable names, the names of Ben. Sanders, Cary Crane, and Colonel Claiborne. They were the triumvirate of the laudable movement. Many of the greatest and most remarkable deeds of men have been fostered by triumvirates of honorable name. In the school of the Apostles were Peter, James, and John. Three men held the vast empire of Rome together in precarious times, Julius Caesar, Pompey, and Crassus. Three men brought to greatness the German Empire, Kaiser William, Prince Bismarck and Von Moltke. In the trying day of our country's history, Webster, Clay and Calhoun ornamented our national halls. The Ante-Bellum Historical Society of Mississippi had Sanders, Crane and Claiborne, these three, but the greatest of these was Claiborne. He was a worthy son of a much honored sire. His strong mind mastered the classics and elegance became the hand-maiden of his facile pen. He saw poetry in the rhythmic steps of the good and great, of the trusted and true, in the merry march of time. As a Fabius Maximus, he was content to preserve history from Punic oblivion, and to leave aggressive work to men of Cornelian blood. As the Hebrew seer and lawgiver from Moab's mountain beheld the future of Israel's tribes, so Claiborne, in his latter days, on the heights of eminence gained by toilsome effort, saw the possibilities in the future of the present broad his-

torical research. In the meetings of the Society, Claiborne was the Phidias behind the screen noting the observations of his work. Endowed with Lacedemonian courage, and graced with Athenean culture, he was the gift of nature and learning to sober history. History was his thought by day, and his dream by night, until, burdened with years, he saw the day of eternity dawning over his life's darkened hills, and earth's shadows and fancies fleeing away.

#### APPENDIX A.

##### CONSTITUTION OF THE STATE HISTORICAL SOCIETY.

The subscribers, convened at the city of Jackson, the 9th of November, A. D. 1858, fully impressed with the necessity of an effort to rescue from impending oblivion the perishable memorials of the history of our State, and of collecting and preserving, for the use of the historian, the materials which yet exist, in desultory and fugitive publications, or the more precarious form of manuscript, or which have been transmitted by tradition, do hereby constitute themselves an association to be known as the "Historical Society of Mississippi," and do ordain and adopt the following as a Constitution for their government:

*Article 1.* This Society shall be established at the city of Jackson, and its officers shall consist of a President, five Vice-Presidents, a Recording Secretary, a Corresponding Secretary, a Librarian, and a Treasurer, to be chosen biennially by the members of the Society present at the stated meeting in November in each alternate year, and who shall hold their offices, and perform the duties pertaining thereto, until their successors shall be elected.

*Art. 2.* It shall be the duty of the President to preside at all the meetings of the Society, to appoint all committees not otherwise provided for, to cause all laws or orders of the Society to be executed, and to promote as far as practicable, the welfare and interests of the Association. It shall also be his duty at the first stated meeting succeeding his election to deliver an inaugural address, and at each regular meeting he shall appoint one or more members of the Society to deliver addresses or to contribute essays relating to the history of the State.

*Art. 3.* In the absence of the President, the Senior Vice-President; present, shall preside in his stead, and in case the office shall become vacant by death or resignation, he shall perform the duties of presiding officer until the next regular election by the Society. In the absence of both the President and Vice Presidents, the Society shall, at each meeting, appoint a Chairman pro tem.

*Art. 4.* It shall be the duty of the Recording Secretary to provide a substantial and well bound book, in which this Constitution shall be transcribed, and the minutes of the proceedings of the Society shall be carefully and accurately recorded.

*Art. 5.* It shall be the duty of the Corresponding Secretary to conduct all the correspondence under the direction of the Society, and to preserve full and correct copies of all letters written or received by him, in a suitable Letter Book to be kept by him for that purpose.

*Art. 6.* It shall be the duty of the Librarian to take charge of and protect the apartment or building which may be provided for the meeting of the Society, and to preserve therein all books, papers, memoirs, maps

and manuscripts contributed to and belonging to said Society, and to keep a catalogue thereof, and a list of all donations or contributions to the Association; and the duties of Corresponding Secretary and Librarian may be performed by the same person.

*Art. 7.* It shall be the duty of the Treasurer to collect all dues and receive all contributions to the Society, and to preserve the same for its use, and to pay all orders drawn on him by the authority of the Society. He shall keep a strict and business-like account of all receipts and disbursements, and shall make a full and clear report of the same, at the stated semi-annual meetings, or whenever required by the Society.

*Art. 8.* The Minutes, Letter-Book, Treasurer's accounts and the Library shall at all times be open to the inspection of the members of the Society.

*Art. 9.* There shall be one stated meeting of the Society in each year, to wit: on the second Monday of November, and the President may call a special meeting, by giving thirty days notice, in the paper published by the printer of the State in Jackson, whenever, in his opinion, the interests of the Society shall require it, or whenever requested to do so in writing by five members thereof.

*Art. 10.* Twelve members shall constitute a quorum to do business, and new members may be proposed and elected at any stated meeting at which a quorum shall be present, but five dissenting votes shall be sufficient to exclude any person put in nomination.

Each member of the Society shall pay annually to the Treasurer for the use of the Society the sum of one dollar, and the payment of twenty dollars shall constitute a member for life.

*Art. 11.* The Society may, at any regular stated meeting, elect honorary and corresponding members who shall not be required to make any pecuniary contribution, and who shall not be entitled to vote at any meeting at which they may be present. This authority shall at all times be cautiously and prudently exercised, least the honors of the society should come to be undervalued or be unworthily bestowed.

*Art. 12.* At the first stated meeting in each year the Society shall appoint an Executive Committee, to consist of five members, who shall meet monthly, and discharge such duties as the Society may assign to them during its recess, and they shall act also as a Committee of Publication, and no memoir, essay or contribution to the history of the State, shall be published as having the sanction of the Society, unless submitted to the examination of the said Committee and approved by it.

*Art. 13.* This Constitution may be altered and amended whenever the Society may deem it necessary; Provided that no alteration shall be made without the concurrence of two-thirds of the members present at two consecutive meetings thereof.

B. L. C. WAILES,  
VICTOR W. THOMPSON,  
WM. CAREY CRANE,  
L. H. MILLIKEN,  
D. S. SNODGRASS,  
D. E. BURNS,  
DEWITT C. QUINN,  
JOHN S. CLARK,  
A. C. CAPERTON,  
BEN. W. SANDERS,  
WM. CROES CRANE,  
W. H. ANDERSON,  
THOS. J. CATCHINGS,



## APPENDIX B.

## ADDRESS TO THE PEOPLE OF THE STATE. THE HISTORICAL SOCIETY OF MISSISSIPPI.

A society bearing the above title was organized in this city on November 9th inst., and the undersigned were appointed a committee, to address the people of the State in explanation of its plans and objects, and to solicit their co-operation in the important work which has thus been undertaken.

Indifference in regard to their past history is a reproach to any people. It argues either that they are ashamed of their antecedents or unmindful of their ancestors. That they have no memories of the past worth cherishing, or else no hearts to feel, and no manliness to avow and perpetuate their debt of gratitude to the men of toil, and valor, and self-denial, who now rest from their labors, whereby their posterity has been so greatly benefited.

As Mississippians, we have, apart from our common heritage in the great republic, a history of our own replete with interest and instruction, and among the fathers of our State were men whose names and character may each be dwelt upon with patriotic pride. Nor can we accept the alternative, that those who are now reaping where others have sown, that those who are favored occupants of the fair land which they explored and settled when it was yet a wilderness, are a thankless race, or forgetful of those to whom they owe their great heritage.

It is not in Mississippi that State feeling and State pride are wanting. It is not here that men who have served us well, are forgotten, because they are dead. No, the hearts of our people are true, and their memories faithful; and we are well assured that they only need to be reminded that what is engraved in the memories and hearts of the present generation, should have also a permanent record for generations yet unborn. There may have been neglect, but no indifference; and now, that the opportunity is afforded them, of discharging the sacred duty, the earnest appeal that the materials which elucidate our early history, may not be suffered to perish, but gathered and gained with filial care, will not be in vain. Let us, fellow citizens, preserve from oblivion now, while we may, the names and deeds of the hardy pioneers, who laid the foundation of our noble State, and of those who, by their wisdom and their valor, have since contributed to its welfare and renown. Already much has been lost. The first settlers are all gone, and their immediate descendants are rapidly passing away. Unless they are now secured, the authentic history will soon be beyond our reach. The mementoes of the Indian occupants of our soil, are scattered over the whole State, with none to gather them. The extinct Natchez tribe has come to be regarded as almost a myth. The notices of European expeditions, commencing with De Soto in 1542 and European settlements, commencing with La Salle in 1681, are very obscure. The influence of the French and Spanish regimes, upon our early history, is almost unknown and the very annals of our territorial government, are in danger of being lost. And is it not then, time, *high time*, that this work should be entered upon, and prosecuted with the utmost vigor? Should not all who can, lend us their aid in the collecting of interesting facts, derived from original and authentic sources. Thus contributing to our history what else, will remain unwritten. And while we offer a safe depository to whatever relates to the olden men, and olden times, as well as our contemporaneous history, may we not hope that a spirit of research will be awakened throughout our borders, which will leave as little as possible of our origin to future conjecture?

States much younger than ours, and far inferior to ours in historic inter-

est, have already made great advancement in this work. Wisconsin, in particular, though as a State, thirty-one years younger than Mississippi, has set us an example of enlightened and patriotic interest, well worthy of our invitation. Her legislature has had the wisdom and liberality to make an annual appropriation to her historical society, through which great and lasting benefits have already been secured. In those years the society has collected a valuable historical library of three thousand volumes, exclusive of a great number of pamphlets, with many unbound documents, and piles of newspapers and periodicals to say nothing of its cabinet, and the gallery of portraits of its pioneers and public men. It also publishes annually a large volume of valuable reports and collections. We invoke our fellow citizens to aid us in doing likewise. We cordially invite them to become members of the Society, and by the annual payment of \$1.00 or life members by the single payment of \$20.00. We ask for contributions and endowments; indeed, for whatever may facilitate the purposes of our organization, and perpetuate the honorable memories of the past. The particular objects of the collections desired by the Society are as follows:

1. Manuscript statements and narratives of pioneer settlers—old letters and journals relative to the early history and settlement of Mississippi; biographical notices of eminent citizens deceased; and facts illustrative of our Indian tribes, their history, characteristics, sketches of prominent chiefs, orators and warriors, together with contributions of Indian implements, dress, ornaments and curiosities.

2. Files of newspapers, books, pamphlets, college catalogues, minutes of ecclesiastical conventions, conferences and synods, and other publications relative to this State, and to the territory of which it once formed a part.

3. Drawings and descriptions of eminent mounds and fortifications, their size, representations, and locality, together with information respecting any ancient curios or other curiosities found in Mississippi.

4. Indian geographical names of streams and localities in this State, with their signification.

5. Books of all kinds, and especially such as relate to American history, travels and biography in general, and the south-west, in particular, family genealogies, old magazines, autographs of distinguished names, coins, medals, paintings, portraits, statuary, and engravings.

6. We solicit from historical societies and other learned bodies, that exchange of books and other materials, by which the usefulness of an institution of its nature is so essentially enhanced.

7. The Society particularly begs the favor and compliment of authors and publishers, to present, with their autographs, copies of their respective works, for this library.

8. Editors and publishers of newspapers, magazines, and reviews, will confer a lasting favor on the Society, by contributing their publications regularly for the library—or at least such numbers as contain articles bearing on Mississippi history, biography, geography, or antiquities, all of which will be carefully preserved for binding.

WM. CAREY CRANE,  
L. M. MILLIGAN,  
THOS. J. WHARTON.

*Jackson, Nov. 26, 1858.*

N. B.—Any articles may be sent directly to Ben. W. Saunders, Secretary and Librarian, or they may be deposited with either of the following named gentlemen: Giles M. Hillyer, Natchez; James Roach, Esq., Vicksburg; J. F. H. Claiborne, Bay St. Louis; Hon. Benj. Mathews, Columbus; Rev. J. H. Ingraham, Holly Springs; Col. J. H. Horne, Wayne county.

## APPENDIX C.

## AN ACT ENTITLED AN ACT TO INCORPORATE THE HISTORICAL SOCIETY OF MISSISSIPPI.

WHEREAS, It is desirable to collect, preserve and perpetuate by publication, or otherwise the scattered and perishable memorials, both written and traditional of our social and political history, and whereas this office can be performed most efficiently and accurately by an association of individuals, whose attainments, pursuits, and opportunities afford the greatest facilities for the accomplishment of this object, therefore,

*Section 1.* Be it enacted by the Legislature of the State of Mississippi that B. L. C. Wailes, Wm. Carey Crane, W. S. Barry, I. W. Davis, John J. Pettus, D. W. Hurst, L. Mimms, B. W. Sanders, Wirt Adams, C. P. Smith, E. Barksdale, Thos. J. Catchings, George S. Yerger, H. E. Ellett, L. H. Milliken, D. S. Snodgrass, D. E. Burns, DeWitt C. Quinn, Jno. S. Clark, A. C. Caperton, Wm. Croes Crane, and Wm. H. Anderson, Beverly Matthews, John H. Horne and V. W. Thompson, and F. A. P. Bernard, be and they are hereby constituted a body corporate and politic, under the name and style of the Historical Society of Mississippi, and they and their associates and successors who may hereafter be duly elected members of said society shall be capable in law to do and perform all things incident to bodies corporate both in law and equity and receive donations, and hold real estate to the value not exceeding \$50,000.

*Sec. 2.* *Be it further enacted,* That the said Society shall form and establish a Constitution and By-laws for its government, and may alter and amend the same whenever it may be deemed necessary and expedient.

*House Amendment.*

*Be it further enacted,* That the small department adjoining the Library on the south be set apart and appropriated for the use of said society and that said room be fitted up for the purpose by the State Librarian under the direction of the governor.

*(Senate Continued).*

*Sec. 3.* *Be it further enacted,* That the officers and committees of the Society under the direction and supervision of the Sect. of State shall have free access to public archives, for purposes of making extracts or compilations therefrom, and may publish the same from time to time in the journal of their transactions or otherwise as the Society may direct.

*Sec. 4.* *Be it further enacted,* That this act shall take effect, and be in force from and after its passage.

Approved Nov. 17, 1858.





## MISSISSIPPI'S PRIMARY ELECTION LAW.

BY E. F. NOEL.<sup>1</sup>

The aim of this law is to give to party nominations every right and safeguard, so far as ascertaining and carrying out the choice of its individual members is concerned, that the general election law affords to individual voters. It is an outgrowth of local conditions, in the consideration of which it may not be amiss to review briefly the subject of nomination.

Nominations, in Great Britain and its colonies, are made by petitions, signed by those qualified to vote for the nominee. When the same names are found on petitions of opposing candidates, these names are not counted for either. No elections are held unless there are two or more nominees for the same position. When there is but one nominee, his election is declared, without submission to ballot.

The Australian ballot prevails, under different forms, in a large and growing number of States in the Union. The official

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<sup>1</sup> Edmund F. Noel, was born on his father's plantation, in Holmes county, Miss., March 4th, 1856. His paternal ancestors came from England to Virginia, with the Jamestown settlers. His father, Mr. Leland Noel, came to Mississippi, in 1833, purchasing the plantation south of Lexington which he held till his death in 1896. His mother was a daughter of Dr. B. W. Sanders and came with him from Onslow county, N. C., in 1836. They were married in 1852.

E. F. Noel was the third child. He attended the country schools till the fall of 1872, when he went to Louisville, Ky., with his Uncle, Maj. D. W. Sanders, and took a three years' course at the Louisville High School, after which he read law for about eighteen months. Returning to Mississippi, he was examined and admitted to the bar the month he attained his majority, March, 1877. He then settled at Lexington, where he has ever since resided. In 1881, he was elected to the Legislature, being the youngest member of that body. In 1883, he was a candidate for District-Attorney of the Fifth Judicial District. Of the five candidates that went before the Convention, he was next to the highest and but one vote behind the highest, the then incumbent of the office of District-Attorney. After nearly a week's session of the Convention and after over 1,000 ballots had been taken, a resolution was passed by the Convention requesting one or more of the candidates to withdraw in the interest of party harmony, as it seemed impossible to effect a nomination otherwise. Mr. Noel was then confined to his room with an attack of typhoid fever. On being informed of this resolution, he requested his name to be withdrawn with thanks for the support he had received. Before the message was com-

ballot is provided at public expense. To allow every man to name candidates without restriction might result in long lists of names, which would produce such confusion as to practically defeat an intelligent expression of popular choice. Therefore, all the States throw some restriction around the naming of the candidates who compose the official ballot. All recognize the right of a larger or smaller number of electors to choose candidates, by petition, and the right of political parties to have a place for a nominee for each office to be filled. A majority of these States, however, recognize only the political organizations which cast over a fixed per cent of the popular vote at a designated preceding election.

In Mississippi, before its Constitution of 1890, the public had nothing to do with furnishing ballots, this being left entirely to the candidates and their supporters. At times, tricks were played on unwary voters by furnishing them with ballots having one party's heading over all, or a part, of the names of the opposing candidates. Such schemes occasionally changed the result of

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municated to the Convention, he was nominated and the nomination made unanimous. Before the election, it developed that, unknown to Mr. Noel, representatives of different delegations had met together and determined by lot upon the withdrawal of all the candidates but one, thus effecting a nomination. Mr. Noel proposed publicly, on learning this, that if any of his competitors so desired, he would join with them in asking that the nomination be submitted back to the Democratic voters, as he himself did not approve of the method. Ever afterwards he strenuously opposed Conventions and advocated the Primary Election system. An independent movement, aided by the Republicans, effected his defeat in the general election. With the same competitors, practically, in 1887, Mr. Noel carried every county in which the primary election was held, and thus obtained a majority of the votes of the convention, was nominated by acclamation and overwhelmingly elected; and served four years. In 1891, Mr. Noel again sought to have the nomination determined by primary election and carried almost solidly the two counties in which the primaries were held. He was defeated in the Convention. His defeat aroused such feeling that efforts were made in every county in the district to have him elected. In a letter published in every paper in the district, a few weeks before the election, he declared he would not serve if elected and asked that his name be put on no ticket and that all of his friends support the nominee.

In 1890, he was married to Miss Loula Hoskins, who died in 1891.

In 1895 and again in 1899, he was elected to the State Senate from Holmes county and took an active and influential part in all matters that came up during those two terms, being the author of a number of important measures, including the Primary Election Law and the Elective Judiciary Amendment which received three-fourths of the popular votes cast on that question and also the Primary Election law. In 1903, he was a candidate for Governor. Of the three candidates, he received over 24,000 votes, about one-fourth of the number cast.



elections. Under a clause of that Constitution, and a statute carrying into effect its provisions, in all elections official ballots are required, containing the nominees of all political parties, along with the names of other candidates, if any, requested by petitions of individual voters. The method of nomination was immaterial prior to 1902; Sec. 3652 of *Code of 1892*.

Until 1902, the executive committees had absolute control of their party nominations, sometimes themselves making nominations, with no pretence of submission to party membership. Conventions were uniformly used to nominate State officers, and almost invariably for district officers. State and district delegates were ordinarily chosen, and occasional county nominations made by mass meetings. About 1875, nominations for county officers, by primary elections, first came into use. The principle of direct expression of choice, by ballot, of each voter, at his own precinct, grew in popular favor. Except a few counties, in which the negro vote largely predominated, this finally became the prevailing method.

While some conventions reflected popular sentiment, others resulted in the direct reverse, defeating candidates whom the people would have chosen and naming those having the least popular support. Arbitrary and unjust apportionments of delegates, trades and chicanery, opened opportunities and temptations which under this system were too often utilized. By capturing the chairmen of the mass meetings and resorting to deceptive and dilatory tactics, alert minorities, in such gatherings, were frequently more potent than majorities, many fold more numerous. Primary elections, without poll books, definite legal penalties, and other necessary safeguards, could not always be honestly conducted, since fraud could be so easily and safely practiced.

The Mississippi Constitutional Convention of 1890 contained some of the ablest statesmen in the United States, who knew that white supremacy could be legally established only by indirection, as anything aimed directly at the negro, as a race, would be self-destructive, all courts being required to uphold the Constitution of the United States and to nullify every thing which came in conflict with it. Illiterates, tax delinquents, criminals and certain other classes, as classes, embracing nearly all the negroes and

comparatively few of the whites, were disfranchised. White supremacy could be maintained only by the members of that race remaining together, politically, otherwise comparatively few negroes who were qualified to vote might wield the balance of power. No political organization can long be kept from factional contests, without confidence in the fairness of its methods of ascertaining and carrying into effect the will of the majority. The right of personal choice within party ranks is as sacred and as much entitled to legal protection as in the subsequent general election. Conventions or mass meetings as the ultimate method of expressing popular choice would not be tolerated in any civilized community, as is proved by the election systems of all countries in which the people are allowed a voice in their own government.

The old, loose, unprotected and much abused methods of nomination were condemned by our wise constitution makers, who, by Sec. 247, demanded that "The Legislature shall enact laws to secure fairness in party primary elections, conventions, or other methods of naming candidates."

In conformity to this requirement, and to a popular demand, the commissioners to whom were intrusted the compilation of the *Code of 1892*, prepared a chapter on this subject. Hon. Frank Burkitt, a member of the Legislature to which that code was submitted introduced a bill aimed at the same object. Both went to a committee of the House which, after consideration reported a substitute which emerged from the legislative mill as Chapter 105 of the code. The code commissioners, by a footnote disclaim all responsibility for that product; so does Mr. Burkitt. Inquiry from both failed to obtain any definite idea of what either submitted. The chapter was so loosely drawn that it gave apparent sanction to anything any party organization sought to do, with no practical method of obtaining fair dealing or of punishing fraudulent practices. The evils sought to be guarded against by the Constitution were not only unchecked but became more flagrant and far-reaching, causing constantly increasing danger to white supremacy.

The Senate Committee on Registration and Elections, in 1900, had this question under consideration. Hon. B. C. Adams, its able and excellent chairman, heard that I was preparing a primary

election bill and invited me to appear before the committee which referred the question to a sub-committee with which I was to co-operate. The sub-committee reported a bill carrying out my suggestions, as a substitute for a bill introduced by Senator Kiger. By courteous request of Senator Adams, the chairman of the committee, I explained and defended this substitute when it came before the Senate for action. After the adoption of some amendments, it passed Senate by a vote of 28 to 5. The House committee to which it was referred reported favorably, but an active minority prevented its reaching a vote in the House.

When the Legislature of 1902 assembled I sought to meet the dilatory tactics by which the measure was formerly defeated by introducing the same bill as the first bill of that session. It went to the same committee and received the same cordial support from its chairman. Though it had his and my unremitted attention, it was nearly a month before a majority of the committee could be assembled and kept together long enough for a report. Opposition, intended to kill by delay and indirection, had to be met and overcome at every turn. After amendments, some good and some evil, the bill passed the Senate by a vote of 31 to 1. In the House it was referred to a committee which also had under consideration two House bills covering the subject of nominations. By courtesy of this committee, I was permitted to engage in a joint discussion with Hon. E. J. Bowers, the author of one of these bills, as to the relative merits of our bills. The committee reported in favor of his bill and against mine. At the request of some members of the minority of the committee, I drafted for them a minority report, a report embodying the gist of the argument I had made in the joint discussion. My bill, under the minority report, and the House bill, under the majority report, were considered by the House in committee of the whole. My fellow countyman, Hon. S. M. Smith, was given charge of the Senate bill. By an overwhelming vote, the House declared in favor of the Senate bill, which, after some amendments, was passed by a vote of 92 to 2. The Senate referred the bill and House amendments to a committee very hostile to most of the amendments. As the Legislature was about to close, nothing but speedy action could then save the measure from a defeat similar to that suffered at the former session. The main body of its supporters in the House agreed



to sustain whatever action the Senate should take on the amendments. Thus its final passage was secured. One of the Senators filed a protest in the Governor's office against the approval of the bill; and I filed a response. On March 3rd, two days before the time for final adjournment, the Governor sent a message to the Senate making a number of objections to the primary election bill, constitutional and otherwise; and suggesting its recall and amendment; and proposing to extend the session, if requested by the Legislature.<sup>2</sup> This message was referred to a committee, which submitted minority and majority reports the next day. The majority report which was adopted by a vote of 26 to 8 recommended that the bill be not recalled. The Senate adopted a series of resolutions to be submitted to the Governor which I offered in explanation of the objections raised by the Governor's message.<sup>3</sup> The bill was then approved.

Before an election could be held a test case was made in Issaquena county. The Democratic executive committee of that county ignored the law and called a convention to nominate a justice of the peace. Mandamus proceedings were instituted against that committee to compel them to order a primary election for that nomination, instead of a convention. The committee contended that the act was unconstitutional because, among other reasons, primary elections were made the exclusive method of nomination, unduly abridging the rights of electors to seek office. Judge George Anderson sustained the law. On the trial of the appeal, in the Supreme Court, by invitation of the Attorney General, Judge J. A. P. Campbell and I became his associates. The defense was represented by Messrs. McWillie and Thompson and H. P. Farish. The judgment of the lower court was affirmed and the constitutionality of the primary election law fully vindicated. The case is reported in *80 Miss. Report*, p. 617. The political aspects of the measure are summarized in the minority report, before referred to, printed in the *House Journal of 1902*, page 272; and its constitutional features in briefs, in the *80 Miss. Report*, p. 326.

The law was subjected to thorough tests in the congressional primaries of 1902 and in the general primaries of 1903, giving,

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<sup>2</sup> *Senate Journal of 1902*, p. 434.

<sup>3</sup> See *Senate Journal*, p. 441.

in the main, general satisfaction. The electoral features and some of the others to which serious objection was made, were not contained in the original bill, but were embodied by amendments to which friends of the measure had to assent to avoid defeat. These and other defects ought to be remedied by the Legislature. The primal purpose of the law is to guarantee to every qualified elector, at his own precinct, and in his own party, a full and fair opportunity to express his choice for United States Senators and all elective officers; and to throw around that expression of choice every safeguard which the law affords to voters in general elections; and at such a small expense to candidates as would debar no man of fair standing from competing for any public office. Whatever stands in the way of this purpose should be removed, and whatever will better effectuate this end should be embodied. At the recent state primaries, the expenses assessed to each State candidate was less than \$150.00. No serious claim has been made, from any quarter, that any nomination, for any of the thousands of candidates, nominated under this law, was other than a true expression of the choice of the majority of the electors.





## A NOTE ON MISSISSIPPI POPULATION, 1850-1860.

BY EDWARD INGLE.<sup>1</sup>

In the fall of 1835 Col. Thomas S. G. Dabney, with his wife and four sons, the youngest but six months of age, with his servants, with his wife's parents and other kinsfolk, moved from the home of his ancestors in Gloucester county, Va., to his new estate of 4,000 acres of land in Hinds county, Miss. Two months were spent in the trip, which has been described by Mrs. Susan Dabney Smedes in her memorials of her father. This family pilgrimage was typical of the general movement which contributed between 1820 and 1850 to the increase in population of Mississippi from 75,448, of whom 42,176 were white, 458 free negro and 32,814 were slave, to 606,526, of whom 295,718 were white, 930 were free negro and 309,878 were slave. This movement from the older States on the southern seaboard was most marked during the decade between 1830 and 1840 in which Colonel Dabney left Virginia for Mississippi. During those ten years the population of Mississippi increased 174.96 per cent, while that of Maryland increased but 5.14 per cent, that of Virginia 2.34 per cent, that of South Carolina 2.27 per cent, and that of North Carolina 2.09 per cent. Tennessee's increase was 21.6 per cent and Kentucky's but 13.36 per cent, while the average for the country was 32.67 per cent. In the next ten years Mississippi's increase was 61.46 per cent, the country's being 35.87 per cent. From 1850 to 1860 the country's increase was 35.57 per cent, while the rate for Mississippi had fallen to 30.46 per cent. From the time of its admission to the Union until 1850 Mississippi's increase in population had been steady; it was in that time a receiving State. After 1850 it became a migrative State along with Alabama, Indiana and Louisiana, which had previously been receiving. The ac-

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<sup>1</sup> A biographical sketch of the author of this contribution will be found in *Who's Who in America* for 1903-04. His *Southern Sidelights* (1896) is a book full of interesting and valuable facts for the student of the social and economic life of the South for a generation before the war.—  
EDITOR.

companying table, giving the figures of Mississippi's free population, practically its white population, inasmuch as the enumeration included but 773 free negroes and two civilized Indians in 1860, is a fair index to this shifting of tendency in migration and suggestive to the student of the acts of individuals in the making of history.

MISSISSIPPI AND THE MOVEMENT OF FREE POPULATION, 1850-1860.

States and Territories.	Free Natives of U. S. in Miss. by State of Nativity.		Free Natives of Miss. in U. S. by State of Residence.	
	1850	1860	1850	1860
Alabama, .....	34,047	38,878	2,852	4,848
Arkansas, .....	456	654	4,463	16,351
California, .....	1	8	772	894
Colorado, .....				88
Connecticut, .....	242	203	23	30
Dakota, .....				
Delaware, .....	67	65	6	6
District of Columbia, .....	73	41	55	60
Florida, .....	629	343	92	243
Georgia, .....	17,506	18,458	184	370
Illinois, .....	311	371	490	794
Indiana, .....	413	409	287	350
Iowa, .....	7	48	138	130
Kansas, .....				128
Kentucky, .....	3,948	3,201	657	804
Louisiana, .....	2,557	2,983	10,913	15,041
Maine, .....	139	103	16	7
Maryland, .....	791	643	143	70
Massachusetts, .....	339	309	34	54
Michigan, .....	10	30	34	55
Minnesota, .....		15		64
Mississippi, .....	140,885	195,806	140,885	195,806
Missouri, .....	303	417	638	3,324
Nebraska, .....				11
Nevada, .....				36
New Hampshire, .....	100	118	9	15
New Jersey, .....	221	182	43	64
New Mexico, .....				23
New York, .....	952	1,336	164	223
North Carolina, .....	21,487	18,321	57	97
Ohio, .....	594	729	422	656
Oregon, .....			8	46
Pennsylvania, .....	981	950	101	172
Rhode Island, .....	62	45	8	4
South Carolina, .....	27,908	26,577	60	114
Tennessee, .....	27,439	22,231	2,137	3,567
Texas, .....	139	370	6,545	19,902
Utah, .....			119	113
Vermont, .....	141	205	5	6

States and Territories.	Free Natives of U. S. in Miss. by State of Nativity.		Free Natives of Miss. in U. S. by State of Residence.	
	1850	1860	1850	1860
Virginia, .....	8,357	6,897	78	155
Washington, .....				40
Wisconsin, .....	4	35	35	86
	291,109	341,041	172,473	264,847
Territories, .....	5	4		
At Sea, .....		8		
Unknown, .....	576	5,063		
Aggregate free native, .....	291,690	346,116		
Foreign, .....	4,958	8,558		
Slaves, .....	309,878	436,631		
Grand Total, .....	606,526	791,305		

Dealing only with the free native population between 1850 and 1860, it will be noted that the increase of natives of Mississippi residing in the State was from 140,885 to 195,806, or 54,921, equal to 38.98 per cent, showing that the birth rate was greater than the rate of increase of population of all classes in the country, including foreign-born immigrants. Meanwhile, the number of natives in Mississippi born elsewhere had decreased from 150,805 to 150,310, or 495, and the number of natives of Mississippi residing elsewhere had increased from 31,588 to 69,041, or 37,453, equal to 118.56 per cent.

In 1850 the largest accessions to Mississippi's population by immigration shown were from Alabama, South Carolina, Tennessee, North Carolina, Georgia, Virginia and Kentucky, the total from all Southern States being 145,707. The total from all Southern States in 1860 was 140,079, there being a decrease in the number from all the seven States specially mentioned, with the exception of Alabama and Georgia. The increases were: Alabama, 4,831; Arkansas, 198; Georgia, 952; Louisiana, 426; Missouri, 114; Texas, 231,—a total of 6,752; the decreases were: Delaware, 2; District of Columbia, 32; Florida, 286; Kentucky, 747; Maryland, 148; North Carolina, 3,166; South Carolina, 1,331; Tennessee, 5,208; and Virginia, 1,468,—a total of 12,380 and an actual decrease of 5,628.

In 1850 the largest accessions to Mississippi's population by immigration from States outside the South shown were from Pennsylvania, New York, Ohio, Indiana, Massachusetts, Illinois



and Connecticut, the total increase from all such quarters being 5,098. The total accessions from all quarters outside the South recorded in 1860 were 10,231, there being a decrease in the number from four of the seven States specially mentioned. The increases were: California, 7; Illinois, 60; Iowa, 41; Maine, 24; Michigan, 20; Minnesota, 15; New Hampshire, 18; New York, 384; Ohio, 135; Vermont, 64, and Wisconsin, 31,—a total of 799 from the States; born at sea, 8; and of unknown birthplace, 4,487,—a total of 5,294; the decreases were: Connecticut, 39; Indiana, 4; Massachusetts, 30; New Jersey, 39; Pennsylvania, 31; Rhode Island, 17; and Territories, 1,—a total of 161 and an actual increase of 5,133.

In 1850 natives of Mississippi were residing in other Southern States to the number of 28,880, principally in Louisiana, Texas, Arkansas, Alabama and Tennessee. In 1860 such natives in other Southern States had increased in number to 64,952, or by 36,072, equal to 124.90 per cent. The increases were: Alabama, 1,996; Arkansas, 11,888; District of Columbia, 5; Florida, 151; Georgia, 186; Kentucky, 147; Louisiana, 4,128; Missouri, 2,686; North Carolina, 40; South Carolina, 54; Tennessee, 1,430; Texas, 13,357; and Virginia, 77; and the only decrease was for Maryland, 73.

In 1850 natives of Mississippi were residing in States and Territories outside the South to the number of 2,708, principally in California, Illinois, Ohio, Indiana and New York. In 1860 such natives had increased to 4,089, or 1,381, equal to 50.99 per cent. The increases were: California, 122; Colorado, 88; Connecticut, 7; Illinois, 304; Indiana, 63; Kansas, 128; Massachusetts, 20; Michigan, 21; Minnesota, 64; Nebraska, 11; Nevada, 36; New Hampshire, 6; New Jersey, 21; New Mexico, 23; New York, 59; Ohio, 234; Oregon, 38; Pennsylvania, 71; Vermont, 1; Washington, 40; Wisconsin, 51,—a total of 1,408; while the decreases were: Iowa, 8; Maine, 9; Rhode Island, 4; and Utah, 6,—a total of 27, and an actual increase of 1,381.

In 1850 Mississippi had in its population 150,805 persons who had come from other States and 31,588 natives of Mississippi were living elsewhere, an exchange giving a balance of 119,217 in favor of Mississippi. By 1860 this balance had been reduced to 81,269, there being 69,041 natives of Mississippi residing else-

where and 150,310 natives of other parts of the country residing in Mississippi.

On their surface these figures may appear arid. But they are really a record in condensed form of manifestations in the history of Mississippi of deepest interest to students who may follow them in detail. They point to the deeds, not only of natives of Mississippi, but to those who, coming from other States, won fame as they shared in the making of Mississippi history. They point to deeds for other States of natives of Mississippi. They hint of the wonderful illuminating results to be had from a study of the lives of all those men who had any claim to be known as Mississippians.





## THE COTTON OIL INDUSTRY.<sup>1</sup>

By W. D. SHUE.<sup>2</sup>

Although of late years the tendency of the price of cotton has been downward with now and then a sharp rise, there has arisen an industry that in part compensates the farmer for the reduced price, and certainly is of material assistance to the merchant as well as to a large class of wage earners. This is the cotton seed oil industry. A decade and a half ago this industry was scarcely known and the mills were few, but within the last seven or eight years the growth has been very rapid, until now there is hardly a town of any importance in the cotton region that does not possess an oil mill, and in some instances two or more. And this will continue to be the case, since freight rates prevent the carrying of cotton seed to any great distance, owing to their bulk. The mills are comparatively small, yet they are sufficient to work up the seed of the community in which they are situated.

To one who understands the fertilizing qualities of the seed and is not familiar with old conditions, it would seem that the taking

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<sup>1</sup> The untimely death of the author of this contribution in February, 1903, accounts for the fact that the study has not been brought down to the date of publication. Its publication in this form is justified, however, on the ground that it contains facts that are well worth preserving as the manuscript was left in a more or less chaotic form, the editor has found much difficulty in preparing it for the press. In solving all problems of classification and arrangement he has been guided solely by what he conceived the plan of the author to have been.—EDITOR.

<sup>2</sup> William D. Shue was born near Fincastle, Va., July 5, 1867. His mother died when he was six months old, and he was given to the care of an aunt who reared him. At the age of sixteen he was sent to Hampden-Sidney College. Four years later he was graduated from that institution with the degrees of B. A. and B. Lit. After teaching one year at King College, Bristol, Va., he removed to Mississippi. He was principal of the public school at Coffeeville, Miss., 1890-5, and at Okolona the three years following. In the meantime he did post-graduate work at the University of Mississippi, taking his M. A. degree there in 1898. In the fall of 1899 he entered Harvard University and received his M. A. degree from that institution in June following. He spent the next session at Harvard, completing the two years' resident work required of candidates for the degree of Ph. D. In 1901 he was elected superintendent of the Oxford Graded School, and was teaching there when his death occurred Feb. 13, 1903. Mr. Shue was married in 1895 to Miss Blanche Shannon, of Coffeeville, Miss.—EDITOR.

of the seed from the farm on which it was raised would be a distinct disadvantage, but the truth is, in most instances, the working up of the seed is a very material advantage, for two reasons at least; the first rather negative and the second certainly positive.

In the first place, when the seeds were not sold to the mill men, they were, in nine cases out of ten, allowed to rot in a pile, and were but little used as a fertilizer. They were not used as food stuff for cattle, for their value was not known. Besides, in their unworked state they were not safe food stuff, owing to certain qualities. The seeds then did no one good, and the usual high price of cotton kept the farmers from feeling any loss. They were considered valueless, except to fill up gullies and stop washes on farms. They were to be had for the asking, but no one wanted them. They were rather treated as is the saw dust of the inland mills,—much in the way. But with the extraction of oil from them came a knowledge that the meal is good for fertilizer, and, in fact, is more in the nature of a manure since it does not draw strength from the soil but rather improves the land. Of course, the meal can be used for other purposes, but its value as a fertilizer is being more and more recognized, and though the oil has been taken out, its fertilizing value has not been diminished and, whereas formerly it was not used at all, now it is being returned to the soil. Hence we see that the oil industry has taught the farmer that what he thought was of no value is now of extreme importance.

Perhaps it may be of interest to give a brief account of the products, the way in which they are obtained from the seed, and the uses made of them. The account here given is from my own knowledge and from a verification of the same by various letters from friends who are mill owners. Those who may wish a better account of the process than that here given can find a full treatment of the subject in a book of much value, entitled *Cotton*, by Mr. C. P. Brooks, of Lowell, Mass.

#### I. DESCRIPTION OF COTTON SEED PRODUCTS.

The products of cotton seed are linters, hulls, oil, oil-cake, and fertilizer. These will be treated, for the most part, in the order

in which the finished product appears from a given lot of seeds in the process of manufacture.

The first of these, linters, is the name given to the short fibres that cling to the seed after the long fibres, or lint cotton, has been removed by ginning. Special gins are used for this, and the linters are sold for spinning purposes or for wadding and batting. This form of cotton may be considered clear profit to the mill men; for it would have to be removed any way before successful hulling could take place, even if the lint had no value. When seed is shipped abroad, it has to undergo this process in order that it may stand the sea trip. When one considers that an average size mill will obtain from four to five bales a day, it is easily seen that with 250 or 300 mills working from October to March or April, many thousand bales of cotton fiber that were previously lost are now saved. Several of the larger mills get from 8 to 10 bales in a day, which in the course of a season cannot fail to be an important source of revenue; for it sells at about half the price of middling cotton. (See table for an estimate of earnings, etc.)

The next by-product, hulls, forms a valuable cattle feed, and when burned gives a valuable fertilizing ash. They are the outer casings taken off of the seed preparatory to expressing the oil from the meat. They are valuable for cattle feed, and when there is little or no demand for them for feed, they are used for fuel, and often afford more than enough fuel to run the plant. The ash is saved and used as a fertilizer, being worth from twenty to thirty dollars a ton. Hulls are now worth from three to five dollars a ton as feed. Each ton of seed yields about 800 pounds of hulls worth from \$1.20 to \$2.00. When it is remembered that at the end of the last crop year there were over four million tons of seed possibly available for crushing, each of which, if worked up would produce 800 pounds, or .4 of a ton of hulls, it can be readily seen what a vast amount lies potentially in this by-product alone. This would have given 1,600,000 pounds of hulls, worth, at the lowest estimate, \$4,800,000, and with the highest prices seven or eight millions. In reality, however, only a little over two million tons of seed are worked up in the oil mills. This would yield eight hundred thousand tons of hulls, worth at the lowest estimate two and a half million dol-



lars. The hulls are, at present, almost wholly used as feed, and are shipped to the West and North to fatten cattle for the market. Northern dairy farmers find hulls one of the best food stuffs. It is coming into vogue for the same purpose in the South. So far I have been unable to find any separate mention of hulls as an article of export. This, together with the assertions of gentlemen who should know, leads me to believe that hulls are almost entirely used up in this country.

Logically the next product is oil, by far the most valuable of them all. As this is the main product which the cotton seed industry has in view, I shall reserve a treatment of it for the last in order to give it a more extended account.

Next follows the oil cake. After the oil has been expressed, under heavy pressure, the meats are left in the form of a cake, which, unless it is to be exported, is broken into pieces and ground into meal. This is used either as feed or as fertilizer. For the latter purpose it is used either alone or with other ingredients. As it contains about 3 1-3% of phosphoric acid, 2½% of potash, and over 8% of nitrogen, it makes a most valuable fertilizer. It is doubtless better to feed the meal to cattle and use the manure, as the animals void about 90% of the fertilizing ingredients. While speaking of fertilizers, it may be well to consider for a moment the seed in this regard. Cotton seed, if used for no other purpose than fertilizer, would form a vast saving to the farmer, for it contains nearly all the mineral matter taken from the soil, and actual analysis has shown that out of 45 pounds of mineral matter taken from the soil for each bale of 400 pounds, only four pounds go with the lint and the other forty-one pounds remain in the seed. Hence one crop of seeds exhausts the soil more than ten crops of lint. If these seeds were returned to the soil, either directly or indirectly through feed for stock, they would almost keep it up. That seed was a valuable fertilizer was known twenty or thirty years ago, but it was comparatively little acted upon. Mr. Edward Atkinson strongly advocated at that time the growing of cotton and wool on the same field. I know of only one instance in which it was tried and that was at Oakley, Ark. Reports show that the attempt was eminently successful. So much for the seed itself, but the oil extracted from it contains but little that is essential for the soil.

The farmer then could have the mill take the seed, remove the lint, crush the seed, and return to him the meal and the hulls with little or no loss to himself and with great advantage in the ease of handling. When he sold his seed for four or five dollars a ton, as he did several years ago, he lost much; for he might have saved the seed and saved buying commercial fertilizer. As it is, he in reality loses nearly the entire difference between the amount received for the seed and that paid for fertilizer. That is, he would lose this if he were in the habit of using cotton seed as manure, otherwise he would lose all. Now the use of seed and meal is coming into general use as fertilizers and little is allowed to go to waste. Hard as it was to bring seed into use as a fertilizer, it seemed equally difficult to bring about the use of cake and meal. This is shown by many instances, but notably by one. In 1876 a manufacturer of fertilizers in Atlanta mixed a sample of fertilizer with cotton seed meal as a base, and submitted the sample to the State Inspector, who refused to certify that it was a standard fertilizer. Evidently, his natural prejudice prevented his doing this, but the matter was brought before the Agricultural Bureau of Athens, Ga., where the sample was again analyzed and found to be very satisfactory. Atlanta now ships meal all over Georgia, Alabama and the Carolinas. About 725 pounds of meal are used to 1,200 pounds of acid phosphate and 75 pounds of potash. The meal alone is a fine fertilizer for corn, wheat, etc., and has the advantage of being odorless.

If the meal is valuable as a fertilizer, it is much more so as a feed. In some of the States, particularly Texas, many thousand head of cattle are annually fattened on cotton seed meal and hulls. It has been said that much of the Chicago and Kansas City dressed beef is simply concentrated cotton seed meal and hulls.

As has been stated above, a large proportion of meal and hulls is retained in the United States. Yet much is exported annually, though we have no separate statistics for exports of cake and meal, before 1893, except for 1860 when 6,750 tons were shipped from Louisiana at a value of 113,000 dollars. From that time to 1893 all oil cake and meal are taken together. For the years 1893 and 1894, while the amount of cotton oil cake is given, I have been unable to find their values. In 1893, 195,000 tons of this pro-

duct were exported, in 1900 they had reached nearly 600,000 tons. Estimating on a basis of \$18.00 a ton (a fair estimate) the value had risen about \$3,475,000 to about \$611,000,000. In this period of eight years the increase both in amount and value had been nearly three-fold. However, when we come to consider the volume of business, we find there has been a two-fold increase, showing that the foreign demand has been increasing with great rapidity.

Beside the meal there is one other source of fertilizer, hulls. Hulls contain nearly one-third as much ash as does meal. When there is little demand for hulls, those not used in the engines as fuel are burned in special furnaces. Until within the last few years this was largely the case, but now the demand for hulls is so great that it enters into fertilizer almost wholly as a manure.

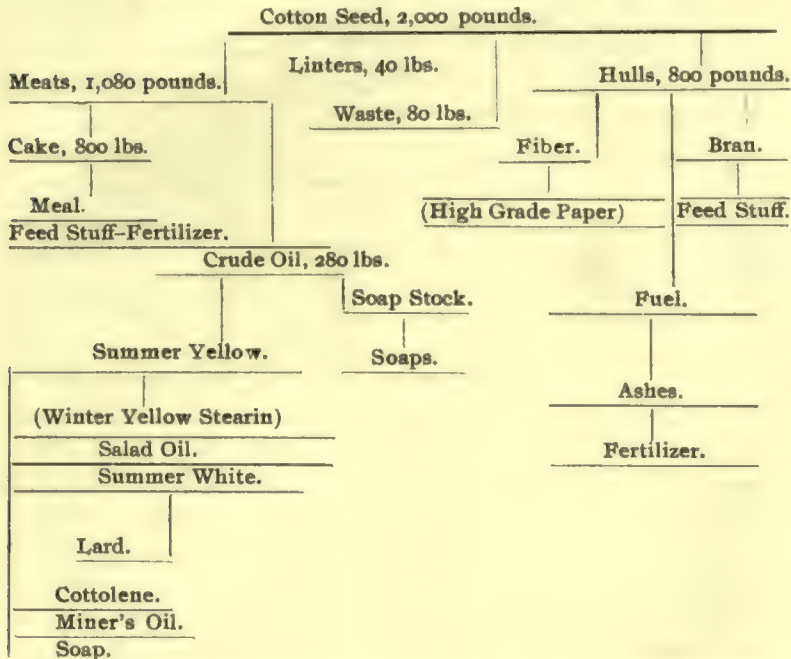
Lastly, we come in our consideration of these products to that which is most important by far, cotton seed oil. The process of extracting oil from the seeds has already been described. At first oil was used for medicinal purposes almost wholly, and, when obtainable, brought from \$.80 to \$1.00 a gallon. Now the oil is used to a vast extent and for very many purposes. Before being put to practical use, the oil is usually refined. Crude oil is used, however, for cooling hot journals and for electric insulation. It has been found better adapted to this last use than any other oil. Paper manufacturers also use it, as it is cheap and non-explosive; machine makers use it for cutting threads and bolts; and it is mixed with putty and paint.

The refined oil can be used for almost every purpose to which oil can be put. It is divided into four classes: "summer yellow," "summer white," "winter yellow," and "winter white." "Summer yellow" is the ordinary staple cotton seed oil. The bulk of this goes to the manufacturers of products used largely in cooking; also by bakers for "shortening." When its price is lower than tallow, soap manufacturers use it in large quantities. "Summer yellow" oil, without further manufacture, is further used by cooks in frying. For this purpose it possesses a distinct advantage over lard, as it can be used over and over again, with but little renewing. It also forms an important article of export, especially to France, England and Germany, to be used in the manufacture of butterine. "Winter white" oil is the staple cotton



seed salad oil and is used for this purpose even in olive-growing countries. It is also used by those who prefer "cottolene" made from "summer yellow" to lard made from hog's fat. Druggists use it as bases of liniments and salves instead of olive oil.<sup>a</sup>

*Manufactured Products from a Ton of Seed.*



<sup>a</sup> In addition the uses given by the author of this contribution, the *Report Presented to the Stockholders of the American Cotton Oil Company* (1893) contains the following:

"Broadly stated, refined cotton seed oil can be used for every purpose to which oil can be put except household illumination and lubricating, for which latter it is too mucilaginous. \* \* \* \* \* Though cotton seed oil cannot be used in chimney lamps, it is a fine burning, smokeless, odorless oil in miners' lamps, it being so excellent for this purpose that in Ohio the law provides that cotton seed oil, pure lard oil or their equivalent must be used in mines. As the miner has to supply his own oil, it also commends itself to him for its cheapness. Cotton seed oil is also used for floating tapers in night lamps, and for altar lamps in Roman Catholic churches. It has been found valuable in preserving wood by saturation; for tempering steel, especially in the manufacture of springs; and salt makers float it on top of their tanks to prevent these from bubbling over. \* \* \* \* \*

The foots, the residue in the refining kettle, is sold for soap stock. It may be stated that the various table uses of cotton seed oil have been known and practically enjoyed abroad for many years" (page 58).—EDITOR.

This diagram is made for the seed as it comes to the warehouse, the more usual method is to make the estimate of the seed without considering waste. When this is done what is lost in waste in the above in large part goes to meat, which is fairly distributed between cake and oil. This, too, is also made on the basis of  $37\frac{1}{2}$  gallons to the ton, which is the product in a typical mill, but the very best mills are now getting from forty to forty-five gallons out of a possible fifty-three, and this would, of course, change the relative amounts, hulls getting twenty to thirty pounds less and meats a corresponding increase.

Manufactured products from a ton of seeds at different dates.

	Gallons of Oil.	Pounds of Cake.	Pounds of Lint.	Pounds of Hulls.	Pounds of Waste.
1870, .....	30	650	20	1025	80
1886, .....	35	750	24	1000	80
1899, .....	$37\frac{1}{2}$	800	40	800	80
1900, .....	39	800	40	800	80

## II. MANUFACTURING PROCESS.

The first thing to be considered in this section is how the seeds are transported to the mill. The oil mills have buying agents at the railroads in their own districts and in the market towns. Sometimes the seeds are stored in houses for the purpose at the stations, but usually where there is a large market the seeds are loaded on the cars from the wagons. They are shipped directly to the oil mill yards in car load lots. In addition to this the oil mills receive seeds from their own ginneries. The larger part of them come, however, from the local ginneries, being hauled to market in wagons. If the seeds cannot be handled at once on their arrival at the mill, they are stored in seed houses,—some distance from the mill, owing to liability of fire in them. From the seed house or from the car when used immediately the seeds are carried to the mill in conveyors and up through elevators, as grain is handled in grain elevators, never being touched by hand from the time they are fed into the conveyors in the warehouse. They are elevated by means of spiral screws working in troughs with perforated bottoms, which permit the removal of small stones, soil, etc. They then pass into an automatic elevator by which they are raised to the top of the building, from two to four stories in height. They are then dropped through a

chute in which are placed several powerful magnets that catch all metal substances and deposit them in a sand and ball separator, consisting of a large meshed screen which allows the seed to pass through, but not the sticks, balls and other trash which are so often found in the seeds. They then drop on a smaller screen that prevents the seeds from passing, but permits sand and dirt to fall through. The foreign articles usually found among the seed are: nails, tacks, buttons, tobacco tags, fish hooks, gun caps, snuff boxes, pocketknives, etc.

After this process of sifting and cleaning, the seeds pass the "linter room" where they are re-ginned. In this "linter room" there are a number of gins specially adapted to removing the short fiber from the seed. It was the failure to perfect this machine that so long delayed the foundation of the industry. In recent years there has been great improvement made in this machine, and at present 40 pounds of lint are taken from a ton of seeds, whereas only 22 pounds were taken from the same amount in 1880. This is an increase of over 80% in 20 years. In this process the seeds are deposited in the roll or seed box. Then they pass over the saws of the linter, which in general resemblance is like the ordinary saw gin used in lint cotton, only the saws are set closer and the teeth are finer. In order to keep the seed revolving in the box, the latter contains a roller.

The "linting" takes two operatives, or rather passes through two gins, in one machine. The fiber obtained from the first operation is better than that from the second. When the seeds are to be exported they are not entirely delinted, it being the practice in American mills to leave a portion of the lint on the hulls. The lint is delivered by condensers in the form of sheets and wound in rolls which are then packed into bales, unless manufactured into batting on the premises, as is now done by many of the most advanced mills. Bats are made by carding machines, the fibers being laid crosswise in a layer or sheet, which is rolled into one pound balls by an automatic machine. After leaving the second linter the seeds drop into the huller, which is a machine for cracking the hulls or outer coatings of the seeds. The huller consists of a cylinder carrying a number of balls, usually fourteen, attached by radiating bars to a central shaft. This cylinder is placed on the inside of a grating. In passing between



these blades and bars the hulls are cracked and the meal left free to drop out. In this cracked or crushed state the seeds, hulls and meal are carried through an elevator to the top floor and passed through a hull and meal separator, which by shaking separates the meat from the hulls. The hulls pass along one conveyor to presses, if they are to be baled, and are pressed between boards into bales of 100 pounds each. The meal is carried through another conveyor to heavy chilled rolls, through which it passes to crush the oil cells. This "presser" consists of a number of calender rolls placed horizontally one above the other, the seeds being dropped above the upper roll and passing between each pair of rolls, by which process the meal is effectually crushed. From these rolls the meal is conveyed to the cooking kettle or heaters, unless the cold drawn oil is desired, in which case it is expressed without heating. The usual way, however, is to heat the crushed meat at a pressure of a 100 pounds for thirty minutes or more to expand the oil vessels and render the oil more fluid and more easily separable from the meats. If there is any moisture in the meat it is drawn off in the heater. These heaters usually consist of pans, jacketed all around the sides to the full height as well as at the bottom, and provided with stirrers. They are covered on the outside with a non-heat-conducting material. The cooking is done by steam, and it must be very carefully performed in order to make the most satisfactory yield of oil. No housekeeper is more careful in baking cakes than are the meal cooks in an oil mill. If it is too brown, it gives both the oil and meal a dark color, thereby decreasing their value. If it is not brown enough, the yield of oil is small.

When the meal has been properly cooked it is conveyed to the "former," which stands close to the heater. It shapes the meat into cakes for the press. Upon the platform of the "former," which is about 3 feet high, is placed a steel plate, about 12x40 inches, on which there is a piece of cloth 12x72. By pulling a lever a charge of meats, 3 or 4 inches deep, is deposited on this cloth-covered plate. The ends of the cloth are folded over the charge, upon which a plunger comes down and returns to its original position, leaving the meat pressed into a coherent cake, wrapped in cloth. This cake is then carried to the hydraulic press, which holds twelve or more of them. As soon as the

press is filled, its contents is at first placed under a pressure of about 400 pounds to the square inch, which finally reached 3,500 pounds pressure. When this press begins to work, the oil flows and finally spurts from every portion of it into the spout which delivers it from the press. The oil is then pumped from the reservoir into large settling tanks, where the various sediments are allowed to settle, and the oil left in a clearer condition. When the full pressure has been reached and the cakes no longer contract, most of the oil has been extracted. However, the oil continues to run in small streams from the inner part of the cake. For this reason the press is allowed to drain from twenty to twenty-five minutes. Of course, this necessitates the use of several presses, varying in number according to the size of the mill. While this operation is going on in one press, other presses are being filled, and one after another operated. When the press has been drained long enough, the pressure is relieved and the cakes, free of oil, are extracted. They are pressed until they are harder than wood. The cakes are then carried to the "strippers," who remove the cloths which are very expensive, and throw them back to those working the "former." From the "strippers" the cakes are carried away quickly to a cooling room, where they are placed in racks to keep them separate so that they will cool and dry as rapidly as possible. The more moisture the cake or meal retains the less valuable they are. After the cake has been in the cooling room for about twenty-four hours, it is fed into what is called a "cake cracker," which is composed of two revolving rollers having spike-like projections. The rollers revolving in opposite directions, draw the cakes in rapidly, and crush them into pieces about the size of an English walnut. From the "cracker" the broken pieces are carried to roller mills, where they are ground into meal. This mill is much like a corn mill. When the meal has been ground, it is packed in sacks of 100 pounds each and is ready for market—that is, if it is to be shipped for cattle feed or for other purposes. Should the mill have a fertilizer factory connected with it, the meal is conveyed direct to the "mixers" where it is mixed with acid phosphate and potash, making a complete fertilizer, without further process. The fertilizer is mixed and weighed into sacks by a machine. This shows that invention has been carried to every process from

the time it leaves the wagon or car until it reaches the finished process. All these processes take place in the crude oil mills with the exception of the operation of mixing fertilizer, which until recently has rarely been connected with oil mills at all. However, as the size of the mills increase, more and more fertilizer mixing establishments are connected with them.

We have so far been dealing with the crude oil mills and with the products finished there. As we have seen, crude oil can be used for some purposes without going through any other process, but its use is limited, and unless the mill has a refinery attached, the oil is carried from the oil mill in barrels or tanks to a refinery. Of late years there is a growing disposition on the part of the larger mills to have refineries connected with the crude oil mills; for the price of transportation to a refinery is in a large part saved by having the crude oil refined at the oil mill. But as there are many small mills, especially since 1895, it becomes necessary to treat of the refineries as such. We find many of these in the larger cities, such as Louisville and Cincinnati. In the process of refining, the impurities are allowed to settle and the clear oil is drawn off. To this oil from 10 to 15 per cent. caustic soda, according to the nature of the oil, is added, and the mixture is agitated at a temperature of 100° to 110° Fahrenheit for a period of forty-five minutes, the precipitate being allowed to settle from six to thirty-six minutes.

When the oil resulting from the process is heated and allowed to settle again or is filtered, it is called "summer yellow" oil. In the manufacture of what is known as "winter yellow" oil the above product is chilled until it is partially crystallized and the stearine is separated therefrom in presses. In the preparation of the white oils the yellow oils are shaken up with 2 or 3 per cent of fuller's earth and filtered.

### III. EARLY HISTORY AND GROWTH.

The history of this cotton oil industry is one of exceeding interest. Within the last two or three decades, and especially the last, it has become the greatest industry of one section of the country and stands among the great industries of the entire country. Its history shows that the use of what was once considered a waste product has now assumed immense proportions.



It also shows that the utilization of cotton seed has given new economic strength to the whole South; for by its use many persons who probably would have lost their lands have been enabled to gain a new footing and have thereby been encouraged to new efforts.

By showing what can be achieved through one kind of manufacturing enterprises, the cotton oil industry has helped the South to realize her immense industrial possibilities. This may account in part for the fact that a Southern State has recently taken the second rank among the cotton manufacturing States in the Union.

When cotton became "king" and fixed the peculiar economic and social conditions in the South, it was believed that the seeds were utterly worthless, in fact more than worthless; for as they accumulated in immense heaps about the gins, it became a serious problem how to get rid of them. The old horse gins were sometimes moved rather than move the mountain that accumulated in them. Doubtless, even then there were some who knew something of the value of the seeds, that they possessed important fertilizing qualities, but few understood their true value. At any rate the farmers did not care to bother with it. Cotton was "King" and the "Prince Royal" was scarcely conceived as yet, or was undergoing a long period of gestation. The new born creature then went through several years of careful nursing before he was able to share with his father the homage of his faithful subjects. The chief reason for the late development of this new industry lay in the fact that land was plentiful, fertile and cheap. Little fertilizing was necessary; for when lands were worn out it was easier to move to new lands than to try to build up the old. This continued until the war. Even in the first years after the war there was but little attention paid to the seeds. They were then held in so much contempt that a verse of a song of the time, popular among the new negro tenant farmers, working under the credit system runs as follows:

"Go to de big plantations  
Whar de hawgs an' cattle feed;  
De white man gits de cotton an' corn  
De nigger gits de seed."

Now the man who gets the seeds is in no unenviable position, and with many planters who have learned the value of the seeds

as a fertilizer, it has become a serious problem how to keep the negro from selling them and thus making away with valuable soil restorer.

A gentleman, who calls himself an outsider, says the following with reference to the only distinctively Southern industry:

"In every cotton seed there is a drop of oil. The extraction of this drop of oil has created a manufacturing industry in the Southern States, the first Southern manufacturing industry that may be called an industry of the people. In every way typically Southern, its influence is far reaching. Extending into every Southern State; reaching out for its raw material to every plantation accessible by rail or river; employing a small army of hands in its manufacturing establishments, it is making a distinct impression upon the economic and social status of the New South. It has given additional value to the cotton crop, for King Cotton has now a worthy Prince Royal in the seed which, formerly allowed to go to waste, is now an important factor in the planter's income because of the sharp competition in cotton seed among the promoters of the new industry, a competition which again has developed several typical Southern features. Then also owing to the number of hands to which the cotton seed industry is giving employment, it is gradually building up a manufacturing contingent in what has heretofore been a purely agricultural population. Those holding the higher positions in the industry are able, active men, some of them of old lineage who, amid the old social environments of the South, would have been leading planters or professional men, but are now manufacturers. Thrown into social and business relations with representatives of the agricultural, professional, mercantile, and financial elements, these manufacturers are infusing a new spirit of industrial enterprise into the community, while the employees in the lower ranks, almost exclusively negroes, are doing the same with the colored laboring class. Both races in the South are thus feeling the influence of this industry, the negroes perhaps the more thoroughly because the value of the cotton seed is of vast importance to the numerous small planters among them."

Almost the first mention of cotton oil in this country is found in *Niles Register* for 1829. It reads as follows:

"Cotton seeds yield a considerable portion of valuable oil. The difficulty of expressing it in consequence of the quantity and absorbing quality of the integuments of the kernel has been so great heretofore that no great quantity of the oil has been made. We are happy to announce that a highly respected gentleman of Petersburg, Va., has invented a machine by which the seed is completely hulled and prepared for the expression of oil. . . . . This machine will probably rank only second to the gin. Almost twenty-five years ago, Dr. Hunter of Philadelphia made experiments and moved to New Orleans with two engines, but did not set up a manufactory. In 1818, Col. Clark made experiments of burning the oil in lamps. . . . . Oil is now selling at Providence at 80 cents a gallon."

From this statement one unacquainted with its history might expect to find that the growth of the industry had been sub-

<sup>4</sup>Gustav Kobbe's "A Great Southern Industry" in *Report Presented to the Stockholders of the American Cotton Oil Company* (1893) page 47.

stantial for the years following. But nothing more is heard of the great invention thus heralded. In fact, so little was known of the industry that we hear of a gentleman of New Orleans, about twenty years later, who manufactured some cotton seed oil in a linseed oil mill at a cost of \$3.00 a gallon. Outside of the mention in *Niles Register*, the first recorded attempt to crush cotton seed and extract oil from it as a merchantable product was made at Natchez, Miss., in 1834.<sup>5</sup> This attempt re-

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<sup>5</sup> The author of this contribution overlooked the fact that as early as 1800, William Dunbar, who lived near Natchez, Miss., made an unsuccessful attempt to manufacture cotton seed oil. In 1799, he had the first screw press for packing cotton manufactured in Philadelphia. In writing to his correspondent in that city, he expressed surprise that the press should have cost \$1,000, but added that he would try "to indemnify" himself by extracting oil from the cotton seed. "He requested to be informed what price such an oil would bring in the market, stating that it would probably be classed "between the drying and fat oils, resembling linseed in color and tenacity, but perhaps less drying." (See Riley's "Sir William Dunbar, the Pioneer Scientist of Mississippi" in *Publications of the Mississippi Historical Society*, II., 89; also Riley's *School History of Mississippi*, 76)

Claiborne, the historian of Mississippi, says of this experiment: "It was the first suggestion of that product which has now become a great article of commerce, or indeed of utilizing cotton seed at all. At that period it was not dreamed of as a fertilizer, nor fed, in any shape to stock. It was usually burnt or hauled to a strong enclosure, at a remote part of the farm, to decompose, and was considered of no use whatever, and really a nuisance" (See Claiborne's *Miss.*, 144).

The following interesting extract is taken from Darby's *Emigrant's Guide* (New York, 1818), 180-181:

"Cotton seed has generally been thrown away, or suffered to remain—a disgusting nuisance about the cotton gins; it has sometimes been used as a manure, for which purpose it is excellent.

"That the neglect of cotton seed is an useless and wanton waste of wealth cannot be doubted. The quantity of oil that might be taken from the seed would reimburse, at no great additional expense, the planter; throwing it to waste is all ill judged as it would be to pour out on the earth the molasses from a sugar house.

"The enlightened society in Great Britain, instituted at London, for the encouragement of arts, manufactures and commerce, amongst other objects of their attention, have, at different times, offered premiums for samples of cotton seed oil.

"In 1783, the society being informed that a considerable quantity of oil can be obtained from seeds of cotton, and that after the expression of the oil, the remaining cake will afford a strong and hearty food for cattle; and that the apparatus for the operation can be applied to the mill for sugar canes, and worked in the rainy seasons, at a moderate expense, 'have resolved, for the foregoing reasons, that the procuring oil from the seed of cotton is a proper object of a premium, considered as an encouragement for planters to extend the cultivation of cotton, as an article essentially necessary to increase the manufacture of that article in this country.'

"The society therefore offers as follows:—

"Oil From Cotton Seeds. To the Planters in any of the British Islands of the West Indies, who shall express oil from the seed of cotton, and make



sulted in heavy loss. Thirteen years later, 1847, another attempt was made in New Orleans with the same disastrous result. Mr. Frederick Good, of that city, who was heavily interested in the venture used to show to his friends an ounce bottle of the crude oil which he said had cost him \$12,000. Of course attempts like these were made in other places, but the amount of oil expressed was very small, a few gallons here and there. In 1855, Mr. L. Knapp invented a decorticating machine which separated the hulls from the kernel, and since that time it has proved very successful. The great trouble at first was the lack of proper machinery, and especially machinery for removing the "linters." The hullers were also comparatively poor; for while there is an average of 50 gallons of oil in a ton of seed, at that time the hullers were so poor and the presses so imperfect that less than 30 gallons were extracted. In 1855 the manufacture was established

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from the remaining seed, hard and dry cakes, as food for cattle; the gold medal.'

"'Certificates, that not less than one ton of the oil has been expressed, and five hundred weight of the cakes obtained, to be produced to the society with two gallons of the oil, and two dozen of the cakes, together with a full account of the process, on or before the last Tuesday in November, 1785.'

"For the next greatest quantity, not less than half a ton of oil, and two hundred weight of the cakes; the silver medal.'

"This certificate was renewed in 1784, '85, '86, '87, '88, '89, vide. vol. 2, 3, 4, 5, 6, and 7, of the Transactions of the Society.

"This quotation is introduced here to show, that the practicability of making oil from cotton seed, is not a recent discovery. It does not appear that, between 1783 and 1789, the Society of Arts obtained any samples of either the oil or cake. Their certificate exhibits the liberality of the society, but it is evident the members did not comprehend the subject very clearly. Demanding so large a quantity as a ton of oil, rendered all experiment abortive, as far as their premium extended, where a less quantity would have been produced. All the necessary details, and what is everything in such cases, the quantity of oil to a given weight of seed, and the mean of expense of extraction, could have been determined by a process where only a few hundred gallons, or less, of oil would have been made. Whether the cake, or refuse, after the oil is pressed out, is of any value or not, seems to be of very little consequence. If the oil, after the expense of pressing and barrelling, is of sufficient value to justify an attention to its production, is the only desideratum.

"The quantity of oil that cotton seed will give, has never been determined with sufficient accuracy to enable us to state its relative production, with that of the down, to any certain degree of accuracy. If the estimate made by Mr. Niles of the quantity of clean cotton, made in the United States in 1816, is correct, there must have been produced in that year, 125 million pounds of cotton wool. The proportion of clean *cotton wool* to that of the crude mass, including the seed, has been found very nearly as one to four. Persons holding cotton gins are obliged to deliver one pound of clean cotton for every four pounds of the mass in seed, for which

for the first time in this country on what may be considered a commercial basis. A mill was established at Providence, R. I. The company then formed as the Union Oil Company, still exists, but as a part of the great American Oil Company, and is chiefly engaged in refining the crude oil. Although at first it shipped its seed from New Orleans it laid the basis of a very large business.

Among the earliest "crushers" in the South was Mr. Aldige, who began the industry in New Orleans before the war, about 1854-5. He may be credited more than any one else with building up a foreign demand for American cotton oil. To him is also due the first successful attempt at crushing seed in a mill. When proper machinery became necessary, and none could be had in this country he visited Europe, where oil was being expressed from Egyptian seed, and modeled his mill after those used there. When he had gained possession of what was considered proper machinery, he had by no means overcome all obstacles; for he found it exceedingly difficult to procure seeds. The planters did not care to be bothered with selling them. Only after strongly urging some personal friends among the planters was he allowed to have barely enough seeds to work his mill; small though it was. His son, Mr. Jules Aldige, until his death a prominent member of the largest company in this country, stated that it was with the greatest difficulty that his father, after having an agent on the road for eighteen months, could gather 1,764 tons of seed. Transportation facilities were also extremely poor, as there was a strong reluctance on the part of carriers to receive them. In

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their receipts are given. If this proportion is correct, and no result seems better proved, and the estimate of Mr. Niles is also received as accurate, then 375,000,000 pounds of cotton seed was wasted in 1816. If one hundred pounds of seed is allowed to produce one gallon of oil, this mass of seed would have produced 3,750,000 gallons of oil, which at 12½ cents per gallon, would amount to \$468,750.

"That this estimate is very much under-rated there is no doubt. It appears certain, that an annual sum of not less than a half million of dollars is thus supinely wasted.

"There is no other wealth than human labor, and its products are too painfully obtained to justify or excuse their wilful loss. The cotton seed in bulk, near the gins, is an intolerable nuisance, as respects its smell and appearance. Hogs and cows devour it with great avidity. So much down, however, remains upon the seed, that it frequently destroys the former kind of animal. When the seed remains some time in bulk, if exposed to rains, the down rots, and leaves the seed a nutritious food, particularly for hogs."

—EDITOR.

more than one instance, after he had sent a man on horseback up and down the river and had secured seeds and had them carried to the steamboat landings, he had much difficulty in inducing the steamboat captains to carry the "worthless stuff." However, by dint of persuasion and untiring efforts he managed to keep his mill going. It was his sublime confidence in the industry that laid the foundation and enabled him in the face of the greatest obstacles to succeed. A few other mills in the South were added before the war, at Vicksburg and at New Orleans. These, with that at Providence, were then all there were in the United States at the outbreak of the war. The growth had been slow, but healthy. Had nothing occurred to retard it, doubtless from this beginning the industry would have become large and remunerative within the next ten years. At the outbreak of the war, however, the Providence mill was forced to suspend and the few others crushed seed only in a very small way from 1860 to 1865. But it was during this period that discoveries were made that added vastly to the importance of the industry, though little practical advantage of them was taken or could be taken till some years later. In the crushing of seed before this time attention had been paid alone to the extraction of oil. Oil cake had been long appreciated in Europe as a valuable cattle feed and some of it had been exported from this country, but no such use was made of it here. After the blockade of the Mississippi river, it was impossible to export the cake, and, its use being unknown or unappreciated, it began to accumulate. For lack of storage it was burned as fuel, even though cattle feed was scarce. At last necessity forced the use of meal. Hulls, too, had to be carted away from the mills at considerable expense, and the owners of cattle grazing on the vacant lots on which the hulls were dumped so little knew their value and so feared the result of letting cattle eat them that they hired men to keep the stock away from them. But when the river was blockaded above the city of New Orleans the supply of food stuff became so scarce that hulls were fed on trial, cautiously at first. The results were so excellent that they were used as cattle feed as long as the supply lasted. With this experience, it was not difficult in New Orleans after the war to introduce meal and hulls, mixed, as food. From this place their



use for this purpose spread gradually over the South, and later over the whole country.

The number of cotton oil mills in the United States at different dates are as follows: 1860, 7; 1867, 4; 1870, 26; 1880, 45; 1882, 60; 1886, 131; 1890, 119; 1892, 200; 1894, 251; 1900, 300.

*Capital Estimated by Decades.*

Dates.	Capital.	Employees.	Wages.	Cost of Material.	Value of Product.
1870, .....	\$ 1,075,350	504	\$ 243,000		
1880, .....	3,862,300	3319	880,836	\$ 5,091,201	\$ 7,690,921
1890, .....	12,808,996	6301	1,907,827	14,363,126	19,335,947

IV. HISTORY OF PRICES.

As stated elsewhere, cotton seeds were considered valueless prior to the beginning of the cotton oil industry. We have also seen how difficult it was to obtain seed even when the industry had begun.

It has been almost impossible to obtain information as to the price of seed at an early date. In recent years prices have ranged from \$3.00 to \$21.00 a ton. Last year (1899) the average was about \$12.50 and the year before something like \$9.00. In 1880 it was claimed that the price of seed had been changed from \$15.00 to \$6.00 a ton by a combination among the mill men, and in South Carolina we know that seed sold from \$6.00 to \$7.50 a ton. But two years later, under the stimulus of new enterprises which were just beginning to develop in that State, seed sold at an advance of at least 80% over those prices, bringing from \$10.80 to \$13.50 a ton. Of course, with the increased demand for seed, the prices have risen to some extent. While not more than 40% of the crop is purchased and crushed, yet when the demand is strongest the supply is to some extent limited, and it will be some years yet before the natural percentage of seed is crushed. I believe it may be said with some degree of certainty that for several years the normal price has been \$15.00 a ton. However, the price varies at different times of the year and at different places, depending largely on the frequency of the mills and the ownership of the various mills in the same district by which competitive demand or the absence of it serves to raise or lower prices. Hence, we may expect to find little regularity in

the average prices paid. If there is only one buyer in a place prices vary but little during the year, though there may be occasional fluctuations due to a glut in the market or to the necessity of having the supply increased immediately. During the first years of the Trust it was claimed, and doubtless truly, that it was keeping down the price of seed as well as of other products. This would be in keeping with a policy of securing cheap raw materials where there was a practical monopoly in order to undersell the other producers and force them to join the Trust or go out of business. But, in recent years, there has been an increase of mills outside of the Trust, and it by no means can be said to control the market for crude oil at least. In some States this is more largely true than in others; for instance, in South Carolina, where there are at present sixty-one mills and comparatively few of them in the Trust. In such States, unless there can be combination among the individual producers, competitive demand still governs the price. Prices paid in Mississippi were, during the early months of this crop year (1900), as high as \$21.00 a ton, even in face of the fact that the best mill men say that nothing can be made by paying over \$19.00 a ton. There seems to be, however, a steady general demand for seed at \$15.00 a ton. This gives the farmer an extra \$5.00 on each bale of cotton which he produces.

For oils we have somewhat better figures. However, there is nothing tangible before 1871, in which year the *Oil, Paint, and Drug Reporter* was established in New York. Since that time it has given weekly quotations for oil and meal. The history of prices before that time will serve for all practical purposes and shows sufficiently well what the course of prices was before and has been since the formation of a trust in the industry. Before that year oil sold at a higher range of price than since. That year serves well as a starting point; for there were then comparatively few mills, and they were mostly small. By reference to the History of Growth it will be seen that there were only twenty-six small mills at that time though there was considerable building activity in the industry in the next few years.

The season of 1871-2 opened with crude oil at 45c a gallon and refined, or "summer yellow," at 53c. From this time to the close of 1871 there was a steady advance, crude oil reaching 52½c

in November and 55c in December. "Summer yellow" remained about 7c above this, closing the calendar year at 61c. Under ordinary circumstances at that time, the rule was for refined "summer yellow" to be about 6c or 7c above the crude oil. The "crush" of that season ('71-2) was not heavy, about 2,225,000 as against 3,000,000 for '70-1. Still the supply of oil was in excess of the demand, and in January ('72) both kinds of oil fell about one cent on the gallon, or about 54c for crude and 60c for refined. From this point there was a steady decline, till crude stood at 47½c in February and refined at 55c. From these prices the decline was less rapid till the end of August, when crude sold for 45c and refined for about 52c.

For the next season (1872-3) the receipts of seed were fully sufficient for the mills. This caused a still further decline and in December crude was selling as low as 42½c and refined 49c. From this point there was only slight fluctuations, till May (1873) when a brisker demand set in and caused a rise to 47½c for crude and 50c for refined, in June. The crop year closed with crude selling at 50c and refined at 56c. The crop for that year had proved slightly above that of the previous year. In September "summer yellow" stood at 58c.

The prices up to this point had been so good that in production of the new crop there was somewhat of a rush in expectation of reaping profits, and oil men began to "crush" regardless of future demand. As might have been expected, we soon find a break away from the high prices of the late summer and September, 1873, and by the latter part of December crude oil had fallen to 40c and refined to 48c, a rather low price for those years. Though the yield was comparatively large and stood about 700,000 gallons above the year preceding, the market did not decline further, but remained steady till the last of February, 1874, when crude oil was bringing 47½c and refined 55c. The demand was brisk till May, when crude oil was out of the market till the new crop came on, with the exception of some oil from old seed received late in the season, which brought from 45c to 50c. In May, crude oil was selling at 55c and refined at 60c.

In September, 1874, even before new oil began to arrive, there was a break in the market, and "summer yellow" fell to 52c,



owing the preparations that were being made for a large "crush," which in fact stood 500,000 gallons above the crop of '73-4. From September prices there was a slight rise and the crop opened with crude at 46c, refined at 55c. From that time, till the close of the year, prices varied but little. During the opening month of 1875 crude oil remained about the same, 46c, with a fluctuation of from 2c to 3c in refined, in this time, however, it did not rise above 55c. In the latter part of March, the stock again became exhausted, and prices ran up rapidly, crude bringing from 60c to 65c, and refined from 68c to 70c. The demand was so brisk and the prices so comparatively high, that oil in considerable quantities was imported from Liverpool. However, early in the summer, there was a decline from this, owing to the slack demand, and to an increase in oil from the late "crush." By July, crude oil was quoted at 45c and refined at 55c. From July there was an improvement in the market, the new crop in October opening at 50c for crude and about 60c for refined.

By January, 1876, crude oil had gone up to 52½c, but from that time there was a steady decline, during the following months, till May, when crude was selling at 40c, and refined at 50c. In former years, following May there had usually been a rise, but this year there was a decline, till refined oil reached 47½c in August, and two months later, October, crude oil had fallen to 38c, owing, no doubt, to the fact that the crop for '75-6 was unprecedentedly large, reaching five and a quarter million bales. However, prices began to improve, due perhaps to the fact that it was already seen that the yield for that year would be much less than was estimated, and by January, 1877, crude oil was firm at 40c and refined at 50c. During the latter part of January and the first of February, prices rose, reaching 48c for crude and 55c for refined. However, this was followed by a decline during the latter part of February and the whole of March, at the close of which months crude was selling for 40c and refined for 48c. Prices then again took an upward turn, and by the latter part of May, crude oil was selling for 47½c and refined for 55c. The latter, however, declined during the summer months, sales in July and August being made at about 50c, while crude oil from the late "crush" sold as low as 47½. But by the close of the crop year, crude oil stood again at 47½c and refined at 55c.

New oil from the crop of 1877 arrived a little late, and there was a slight rise till the end of the year. When the first of January, 1878, came, the market opened firm with crude at 50c and refined at 58c. By that time it was seen that the crop would be very large—in fact, it reached at least 6,700,000 gallons—and oil in large quantities was coming on the market. Hence we find a drop, toward the close of the month, when crude sold for 45c or 46c and refined for 51c. Throughout the remainder of the crop year there was a decline, and the season closed with refined at 46c. During this year many new mills were established. This and other things indicated that there would be a heavy increase in the output for the following season.

This proved true, as the crop reached 7,880,000 gallons, and under this influence the market was depressed. By December, 1878, crude oil was selling for 33c and "summer yellow" for 41c, the lowest point that either had reached up to this time. In January, 1879, refined fell to 40c. Though the crop proved to be over a million bales more than that of the preceding year, there was from this time a tendency upward during the rest of the year, till September was reached, when there was a temporary drop, and the new crop opened with crude oil at 33c and refined at 42c.

From these prices there was a sharp rise; in November, 1879, crude oil was selling at 41c and "summer yellow" at 47c. These were the highest prices for 1879.

Receipts were proving liberal and with them a prospect of much further increased production, the crop proving eventually to be not less than 10,000,000 bales. The market, therefore, changed and declined gradually during the remainder of '79, and '80 saw a still further steady lowering of prices during the spring. By the last of May, crude oil had fallen to 30c with refined at 37c to 38c. However, during the summer there was a slight rise, and August closed with crude at 33c and "summer yellow" at 40c.

The opening of the crop year, 1880, for several reasons was less favorable for a heavy "crush," and as a consequence, the crop was about two million bales less.

However, excepting temporary fluctuations due to momentary increase in demand and short supply, almost without interruption prices worked up gradually, and August closed with crude at 47c and "summer yellow" at 45c.

Though there was a falling off in 1880-1, with one or two exceptions, the crop has increased very materially each year. This year proved no exception, but even with a twelve million crop the range of prices was higher than during the previous year. From August till January there was a rise, and the year opened with crude at 42½c. After this there was a decline till the latter part of February, when crude was being marketed at 37c and refined at 45c. A steady and gradual rise followed this through the spring and summer; by the close of August crude was selling at 50c with "summer yellow" at 60c, this, too, in face of the fact that exports had materially decreased.

The increase of the crop was heavy for 1882-3, and under the influence of heavy prospective increase, prices gave way gradually, and by December, we find "summer yellow" at 47c and crude at 39c. The year, 1883, began with crude at 37½c, refined at 45c. From this point there was a gradual increase till April, when "summer yellow" had reached 48c, the highest point of the year. Crude remained about the same, 37½c till midsummer, when it fell, and closed the year selling at 36c. From this point, 36c, crude gradually rose and by December, 1883, was selling for 40½c. "Summer yellow" had been falling since April, and in October it reached its lowest point, 43c, due to a slack demand and the prospect of another large crop. But it regained somewhat before the close of the year, and the last of December and the first of January it stood at 45c. For 1884 the tendency of prices was almost continuously downward, and the crop year closed with crude at 37c and "summer yellow" at 43.

However, prices did not stop here; we find the calendar year, 1884, closing with crude at 34c and "summer yellow" at 40c. Fluctuations were not wide, but they were all in one direction; and for the entire year the tendency may be indicated by a declining line from 40½c to 34c for crude, and from 45½c to 40c for "summer yellow." There were several conditions leading to this, chief among which was a large supply from the preceding year's crop unmarketed and continually coming on the market; also, the prospect of an immense yield for the year, which did in fact reach about 20,000,000 gallons. Also, it was then and still is claimed that the organization of the American Cotton Oil



Trust, which began to take shape in 1884, had much to do with the lowering of prices. Whatever may have been the causes, the history of prices in 1885 is much the same as that of 1884, except that starting with the lowest prices of 1884 they went yet lower. Beginning in January with crude at  $34\frac{1}{2}$ c and refined at 40c, by the end of August we find that these prices had fallen to 29c for crude and 36c for refined.

The Trust was making a determined effort to compel outsiders to come in and constantly underselling them; the prospect of a crop in 1885 that reached 23,000,000 gallons aided the effort. The market continued to decline during the remainder of the year, and in December had reached 26c for crude and 32c for "summer yellow." The year, 1886, opened with these figures. But soon in the year, the organization of the Trust having been more completely effected, and trade conditions having improved somewhat, a change came and there was now a slight tendency upward to the close of the crop year, when the highest point of the year was reached, crude oil being quoted at 33c and "summer yellow" at 40c.

The crop year, 1886, opened with a downward market. This continued not only through the remaining months of the year, but through the early months of 1887. The lowest point of the year was reached when crude went to 32c and refined to 38c. By midsummer, owing to a revival, crude was selling at 35c with "summer yellow" at  $42\frac{1}{2}$ c. From this point, during the remainder of the crop year there was a further increase.

The new crop opened in October, 1887, with crude at 35c and refined at 45c, which proved the highest point reached this year. Doubtless it has been noticed that crude and refined do not fluctuate together as they did in the early years of this account. However, the broad general tendency is for them to do so. From October to the close of the year, 1887, the market was not so favorable for refined, but crude, if anything, advanced and by the end of the year and the first of January, 1888, it stood at 36c. After that it declined as also did refined, till April, 1888, they were selling for  $33\frac{1}{2}$  and  $39\frac{1}{2}$ c, respectively. Then came a steady rise in the price of refined till the end of the crop year, when it stood at 52c. In the meantime, crude had risen to 43c in June, but had fallen away and touched 42c.

From this time till the close of the year 1888 there was a steady advance, and December closed with crude at 45c and refined at 55c. The advance, in large part, was due to the fact that a somewhat smaller yield was expected; this, in fact, proved true; for the crop of this year was thirty million bales as against thirty-two for the year preceding. In January, 1889, prices went above these figures, 46c for crude and 56c for refined. However, before the close of the month there was a break, and the market went steadily downward as in 1884 and 1885. At no time during the remainder of the year was there any material improvement. The crop of 1889 reached thirty-seven million bales, an increase of at least seven million above the preceding year. Such conditions were not favorable for a high market, and the decline continued. By the close of the year crude had reached 27c and "summer yellow" 33c. 1890 began with these figures, which were soon followed by a rise; by the end of April, crude had reached 32c and "summer yellow" 36c. The following month saw a further increase of about 1c, but this was followed by a decrease, which by the close of the crop year had reached 28c and 34c, respectively, for crude and refined.

This continued through September, 1890, and, even with the arrival of the new crop, these prices were sustained with slight variations through the following months of the year. With January, 1891, an advance occurred which was kept up till June, when crude sold for 32c and refined for 40c, the highest point of both the crop and calendar years. In June came a turn in the course of prices and without little variation it was downward throughout the remainder of the year. By December the lowest point of the year had been reached, with crude at 25c and refined at 28½c. 1892 opened with these figures which proved the lowest of the year for refined, though crude fell to 24½ in the spring, but gradually recovered. From this time the advance of both was steady, and by the close of the crop year they stood at 36c and 41c, respectively, though there was a crop of forty million gallons. But for several years the demand had increased *pari passu* with the increase in output. This was due to the extension of uses, by which oil was no longer used only as an adulterant.

Owing to this advance even in the face of the usual prospect of an increased yield, there was a still further rise in prices during

the remainder of the year, 1892, and by the last of December crude had reached 43c and refined 46½c, the highest point of that year. The next year, 1893, opened with these prices which remained about the same till February, when a further advance came, by which crude was raised to 57c and refined to 63c. This proved the highest point of the year, the crop having turned out unexpectedly large. For the first few months after February and even to the close of the crop year the average was good.

But with the prospect of a crop that proved unprecedentedly large in 1893, reaching not less than fifty-five million gallons, and by some claimed to have been sixty million, there was a natural decline in prices. In December crude was bringing only 27c and refined 34c, a drop from 39c and 29c respectively since February. The year closed however with better feeling manifest, though the next year, 1894, saw no high prices. The highest point was reached in January, when crude stood at 32½c and refined at 36c. From that time till the opening of the crop year there was a steady decline.

When this crop year (1894) opened the oil was very free in arriving, and there was an almost immediate drop to 24c and 28c for crude and refined, respectively. This was the lowest point in 1894, but the new year, 1895, opened dull and prices went even lower. During the first months crude went down to 22c and refined to 26½c. This was followed by another rise by which both reached their old position a little after the close of the crop year with crude at 24½c and refined at 28c. The crop this year was nearly seventy million gallons, the effect of which immense yield is seen in the dullness of the market and the low range of prices.

The season of 1895 with the prospect of a yield very materially decreased, and soon after the opening, there was an improvement in the market. Under the influence of this prospective decrease, sales went up to 26c for crude and 30c for refined. Although the next year, 1896, opened at 24c and 28c, respectively, it was passed but once in the year. This was in the opening month when crude reached 24½c and refined 28½c. From January to July the decline was continuous, when the lowest point of the year was reached, 19c and 23c. From this there was a slight rise, but still the market was unfavorable to the oil men. The year was



unsatisfactory not only to those in the oil business, but to all others, a fact sufficiently well reflected in the material decrease in the output and the continuing low prices. One thing that served so materially to lower prices of oil was the influence of the market for lard as well as for other greases, on the price of which oil much depends; for when lard and other similar pork products are high there is a brisk demand for oil to take their place, as it is usually much cheaper.

The season of 1896 did not open up much better and although there was a slight rise, it did not go above  $21\frac{1}{2}c$  for crude and  $25\frac{1}{2}c$  for refined, which was reached in December. With the opening of 1897 the market was very unsatisfactory.

*Prices Paid for Crude Oil and Summer Yellow from 1872 to 1896, Inclusive.*

	Crude.		Summer Yellow.	
	Lowest.	Highest.	Lowest.	Highest.
1872, .....	48	54	49	60
1873, .....	40	40	48	58
1874, .....	40	55	47	61
1875, .....	45	65	52	70
1876, .....	38	52	47	59
1877, .....	40	50	49	55
1878, .....	33	50	41	58
1879, .....	33	41	40	47
1880, .....	32	45	40	51
1881, .....	33	37	42	48
1882, .....	37	50	47	60
1883, .....	36	40	43	48
1884, .....	34	40	40	45
1885, .....	26	34	32	40
1886, .....	26	33	32	40
1887, .....	32	35	38	45
1888, .....	33	45	39	55
1889, .....	27	47	33	56
1890, .....	27	34	33	37
1891, .....	25	32	28	40
1892, .....	24	43	28	46
1893, .....	27	57	34	63
1894, .....	24	31	28	36
1895, .....	22	25	26	29
1896, .....	19	24	23	28

## V. EXPORTS OF COTTON SEED PRODUCTS.\*

Year	Oil Cake and Meal.		Seed.		Oil.	
	Tons.	Value.	Tons.	Value.	Gallons.	Value.
1872,	.	.	3,180	\$72,212	567,115	\$293,546
1873,	.	.	2,002	45,846	709,576	370,506
1874,	.	.	3,152	63,557	782,067	372,327
1875,	.	.	2,658	63,128	417,387	216,640
1876,	.	.	2,600	69,605	281,054	146,135
1877,	.	.	5,124	130,062	1,705,422	842,248
1878,	.	.	8,375	179,602	4,992,349	2,514,323
1879,	.	.	8,200	141,188	5,352,530	2,232,880
1880,	.	.	6,074	134,116	6,997,796	3,225,414
1881,	.	.	5,814	147,543	3,444,084	1,465,255
1882,	.	.	5,950	114,683	713,549	330,260
1883,	.	.	5,900	108,494	415,611	216,779
1884,	.	.	2,837	65,073	3,605,946	1,570,871
1885,	.	.	5,523	114,389	6,364,279	2,614,592
1886,	.	.	5,897	112,782	6,240,139	2,115,974
1887,	.	.	5,666	121,441	4,067,138	1,578,935
1888,	.	.	3,109	84,195	4,458,597	1,925,739
1889,	.	.	5,686	119,279	2,690,700	1,298,609
1890,	.	.	3,830	74,575	13,384,385	5,291,178
1891,	.	.	5,054	85,315	11,003,160	3,975,305
1892,	.	.	6,075	86,549	13,859,278	4,882,285
1893,	195,319	.	2,259	35,809	9,462,074	3,927,556
1894,	208,042	.	2,709	41,866	14,958,309	6,008,405
1895,	244,858	\$4,310,128	5,525	86,645	21,187,728	6,813,313
1896,	202,469	3,740,232	13,490	179,621	19,445,348	5,476,510
1897,	311,693	5,515,800	13,283	170,604	27,198,882	6,897,361
1898,	459,864	8,400,710	16,382	197,258	40,230,784	10,137,619
1899,	534,966	9,253,398	17,222	197,023	50,627,219	12,077,519
1900,	571,852	11,229,188	.	.	46,902,310	14,127,538

In 1860, 6,750 tons of oil cake valued at \$113,000 were exported by Louisiana.

## Number of Tons Cake Produced and Exported and Percentage.

	Tons Produced.	Tons Exported.	Per Cent.
1893,	525,000	195,000	37%
1894,	640,000	208,000	32%
1895,	800,000	240,000	30%
1896,	652,000	202,000	31%
1897,	680,000	311,000	46%
1898,	1,000,000	459,000	46%
1899,	1,080,000	534,000	50%
1900,	809,000	571,000	70%

\*These figures are taken from the different copies of the Statistical Abstract and from various other sources.

## VI. LABOR AND WAGES.

The first mills often had no more than two operatives, and the wages paid were no more than for ordinary laborers. In fact, we may say that the first laborers were paid nothing, since they were mostly slaves. For the running of the mills used in 1855 such skilled work was not required as we find necessary to-day. And with one responsible man to supervise the cooking of the "meat," the labor used was anything but skilled. The ordinary field hand could do the required work. Even for some time after the war the mills were small, and with one white supervisor, who had time in such mills to attend to the cooking, the work could be done entirely by unskilled labor. At that time most of the mills were located on streams that furnished the power, and no engineer was needed. The wages paid immediately after the war were no higher than those received by field hands. As late as 1885 some writers declared that wages paid to the employees in oil mills were no more than to the common field hand, but this was a mistake, since before that time they had been paid from \$8 to \$10 a week, which is really equal to \$15 or \$20 in the East; for in the South rents are cheap and the price of food stuffs low, clothing for laborers is also cheap and of a lighter quality, owing to the mildness of the climate. There are several causes why negro labor is used. Until the last few years the South has been almost wholly agricultural, and it is yet distinctly so. Outside the Atlantic States, where cotton mills first took hold in the South, there is no distinctly operative class, and it is only within the last ten or twelve years that there can be said to be such a class even there. There were no large mill towns, and social conditions led even the "cracker" to stay on his little upland plot of ground and eke out a scanty existence rather than go to town where better wages could be procured. This is changing, however, and the operative class is largely native, importations being made from other States only in exceptional instances. The reason for this, of course, arose again from conditions which led the hired operative from abroad to be considered little better than the native laboring class. These operatives strongly object to being so classed, and you can find no other class that hates the negro more than do the hired operatives in our Southern factories.



It has been stated that the growth of the cotton oil industry was slow before the war. It was equally so after the war, for causes already indicated. Two years after the close of hostilities, there were, according to one authority, only seven mills; according to another only four. At any rate there were only four or five in the South, and these were small. Three years later, in 1870, we find twenty-six, though none of them were very large. The horse power average was forty-six, and the number of hands employed 664. The capital invested was about one and a quarter million. About \$275,000 were paid in wages.

Ten years later we find only forty-five mills, representing an invested capital of nearly four millions, while \$889,000 were paid in wages, which proves that mills were growing larger. In 1870, less than 90,000 tons of seed had been crushed, while in 1880 nearly 3,000,000 tons were used,—less than a two-fold increase in the number of mills, and over a three-fold increase in the amount of product. In 1882, there were sixty mills, an increase of fifteen in two years against an increase of only nineteen in ten years previously, though all these mills could not have been in very active operation. The rapid building took place in towns where there were mills already in existence, which led to effects that will be mentioned later on under the head of "Combinations." One thing to be noted is, that while in 1880 the forty-five mills produced 10,000,000 gallons of oil, in 1882 the sixty produced only 12,000,000, an increase of 33 1-3% in mills and of only 20% in product. However, the mills were for the most part newly erected, and doubtless failed to get in a whole season's work.

## VII. COMBINATIONS.

Nothing is heard of combinations in this industry until 1880, when in reply to questions sent out in the preparation of the 10th Census, there were a few complaints made voluntarily of combinations among the mill men to keep down the price of seed. It is not known positively that such combinations existed, though they probably did, as there were then no stringent laws against such combinations. At that time the industry was just beginning to assume proportions of importance, there being in existence only forty-five oil mills, an increase of only twenty within the

last ten years. These mills were all comparatively small. Within the next two years we find nearly as great an increase in their number, and fully as great an increase in the capital invested as there had been during the ten years preceding. It is, therefore, readily seen that the industry was in its infancy, and few had fully begun to realize the importance of the industry. Farmers living in the vicinity of mills realized at once the money value of their seeds, and as the price of seed was comparatively low, the cry of combination was promptly raised. Combinations could easily have been effective; for while the larger planters might have held back their seeds, the small farmers and the negro share-worker, whose wants were always pressing, could not do so, since they looked upon the returns from such sales as so much money picked up. This was and is the case especially with the negroes who are ready to sell their seeds just as soon as the cotton has been ginned. Few complaints of this kind were then made, however, and unless the operations of combinations had been notoriously open, there would have been little complaint. Although the mills were few in number, the value of the seed was becoming known to the investors, and mills were soon to be erected rapidly. Within the next few years it became known that profits were large, and cotton seeds rose to the dignity of a thing of strong commercial value; and from that time on they were no longer a necessary waste product. As happens under such circumstances, those who had seeds for sale thought they should receive very high prices, and whether from combination or lack of competition, the price did not rise so fast as was expected. From that time until the present cry of combination has been raised every year and it seems that the cry is true. The first combinations affected the farmer only and had little or nothing to do with the oil product. Of course, the later combinations had to do not only with the price paid for seed but with the seed products. At first, the farmer was not affected by the latter; for he did not buy any of the products. But such is no longer the case; for the oil returns to him in lard and various other articles. These combinations have been growing in importance, and must now exist to a vast extent; for complaints come from all the states. Combinations among seed men were possible in the early eighties and up till the time when all trusts and combinations began to meet

the storm of opposition. Perhaps, combinations in this industry have been more generally affected than in any other of the industries of the South; for it is almost a distinctly Southern industry. In all or nearly all the states stringent anti-trust laws have been passed.

However, there is little certainty that combinations do not now operate more powerfully than ever, though, of course, with greater secrecy. With all the noise over trusts in the South and with all their anti-trust laws, I feel that little practical good has been done, and possibly much harm. There is more than one thing that goes to show that there is something at work to keep the price of seed rising in many localities; there is but one buyer in many towns where more should be expected, and where there are more, it is usually for the purpose of convenience and not for competition. Besides, only one price is paid for the day and the buyer receives daily from his mill man notice of what he must pay for seed. If he can buy it at a lower price, so much the better for him when he is buying on commission, or rather at so much a ton; for he can put the difference in his pocket. But this is practiced but little if the mill men happen to learn of it, for they want honest men to buy for them. By this means no combination appears on the surface, but, of course, this may be the effect of an understanding among the mill men.

Each mill has a certain territory in which its buyers operate, and there is no invasion of this territory, except where the sales of seed are very large and the presence of large competing mills would affect the market. As will be seen later, there is little doubt that even this competition will cease. Complaints continue, and from nearly every state replies come that the laws are ineffective, and while combinations among the mill men cannot be legally effected, the legal officers of the State feel that the laws are being evaded. Legal procedure is being instituted against many of the mills in the states where the laws are the most stringent. The Attorneys-General writes me that though they are morally certain that the mills against which they are proceeding are in combination or combinations to keep down the price of seed, it is difficult to obtain sufficient evidence to convict them. Just now (1900) in Mississippi, Attorney-General McClung has issued a *quo warranto* proceeding asking for the cancellation of the char-



ters of sixteen oil mills, on the ground that they have entered into unlawful combination to reduce the price of seed and to raise the price of the products thereof, but he is very uncertain as to the result.<sup>7</sup> From Louisiana, where in '89 the American Cotton Oil Trust was condemned on the ground that it usurped the function of a corporation without being one, information comes that the State laws are not sufficiently strong to prevent combinations, and that they may be easily evaded so as to give trusts control. In fact, one large trust largely controls the oil output of that State.

Such is the case in Texas. Since Louisiana, Mississippi and Texas, are the largest oil producers, and two at least of them have stringent anti-combination laws which are ineffective, we may expect to find similar conditions all over the South. While the combinations, at first, were doubtless among several individual mill owners, the industry has now come under the control of one large company, the American Cotton Oil Company, of New York city. There are a few others, such as the Continental and Southern Oil Companies, but the one great company is the American. It began its existence as the American Cotton Oil Trust, in 1883, a year after the formation of the Standard Oil Trust. This trust grew out of several causes such as the Southern improvement move, which came to nothing, and other moves toward combination in the South. The immediate move on which the Trust rested and from which it grew was a combination of seventeen companies of Texas and Arkansas to control the price of seeds and their products. It looked in fact toward consolidation; for these seventeen mills were nearly half of the mills at the time. The American Oil Trust growing out of this, was formed with the express purpose of controlling the out-put of a large number of mills. In fact it aimed at the consolidation of them all. These mills were situated almost entirely in the South. As the uses of oil were not then so well known as many other manufactured products, the trust did not come into such general prominence.

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<sup>7</sup>This case is reported in 79 *Miss.*, 203. It was brought by the Attorney General in the Circuit Court of Hinds county against sixteen oil mills in different parts of the State. The Supreme Court held that suits could be instituted only in the domicile of each defendant, and on this ground, dismissed the case here referred to. So far as is known to the editor, nothing more has been done by the Attorney General in this connection.—Editor.

In its formation it was a real trust; for the various firms did not merge into one corporation or sell them all to one individual or one set of individuals, but the title deeds to the several properties involved were deposited with trustees who issued certificates of \$100 each to the depositors. They then ran the mills with the aid of superintendents. However, the old management was usually retained.

We hear little or no mention of this trust, until 1886, when we gather the following in large part from the *Commercial and Financial Chronicle*. About this time the trust certificates appeared for the first time on the market. The organization began in 1884 from the consolidation of the Arkansas and Texas syndicates. In 1886, the American Cotton Oil Trust controlled 88% of the entire crushing capacity in the United States, about 131 mills. In 1885, about 600,000 tons of seed were crushed by these companies, the products from which were valued at about \$30 a ton.

This trust was much the same in form and organization as the Standard Oil Trust, and some of the "Standard" people, as individuals, were largely interested in this trust also. It gave its certificates under certain conditions, to the mill owners in exchange for the title to their several properties, free from all debts and encumbrances. It then assumed control under a system of superintendents as mentioned above. These certificates were a first and only lien upon the property. The entire issue till September, 1886, was \$30,000,000. The par value was \$100 and no more certificates could be issued without the acquisition of property. \$6,000,000 had just then been issued which shows how rapidly property was being acquired. The actual value of the property then belonging in this way to the Trust was estimated at \$15,000,000. The production of cotton seed oil had been profitable, and those interested in the trust claimed that dividends of ten per cent. could at that time be earned on the entire thirty million of certificates with the prospect of larger profits in the future. The board of management consisted of nine trustees, three of whom were elected each year. No obligation was to be incurred above a stated amount for salaries and office expenses, fixed at the annual meeting of the certificate holders.

In March, 1887, there were about \$40,000,000 worth of certifi-

cates outstanding. The annual report of July of the same year showed a capitalization of \$41,706,000. The net earnings were estimated at \$2,439,720. The cash on hand amounted to \$750,000, and unsold products, to \$3,728,660.

At this meeting a dividend of 1% was declared payable August 1, and a like amount payable on the first business day of the succeeding quarters. This sounds like prosperous sailing for the trust, but it must have struck a rock somewhere, for on the 22nd of October, just a short time before the second dividend fell due, the treasurer issued a notice that the payment of dividends would be suspended for the present, thus forestalling that due November 1st. This action on the part of the trustees called for an explanation, accordingly on the 26th of November, the president stated that such action had been taken after most careful consideration and in the clear conviction upon the part of the trustees that all interests would be best conserved, protected and benefited thereby. The main reason for the suspension of the payment lay in the fact that there was a large amount of unsold products on hand and less than a million in cash in the treasury. Now at that time it took four or five million dollars each season to purchase seeds, and by far the greater part had to be used in the latter part of September, October, November and the first of December. It can therefore be readily seen that an immense amount of money was needed in a very short time. Not having the cash on hand it had to borrow at interest. The trustees sought to avoid this as much as possible through the use of money to be paid in dividends. Besides the report for 1886 had been too roseate. From that report it seemed that the trust was to have all things its way, but the management did not prove effective. During the next year or two positive losses were reported, but we can hardly believe that such was the case.

At the next annual meeting held on Aug. 4, 1888, great confidence in the outlook was expressed from the favorable reports of the companies of which the trust was composed. However, for the reason that a large amount of ready cash was required to purchase seed, again no dividends for the year were to be declared. The total certificates at that time were \$42,185,228, the same amount as the year previous. The net earnings were reported at \$2,371,376. This amount, less \$350,931 for repairs, gave a net



profit of \$2,020,445 for the year. At that time the trust controlled sixty-three oil mills and other factories engaged in the manufacture of cotton seed products. Outside of these there were the Southern Company's mills and about forty others. The increase in mills not owned by the trust, the non-issue of new certificates and failure to make any improvements, all go to show that the trust had come to a practical stand still in growth, while the increase in outside mills shows that the trust's power was slipping from under it, and that its percentage of control was being lessened materially. That it did not increase was due in part to the fact that for the time the cry of monopoly was raised. Besides this, the trust was carrying on its operations in the South, where anti-trust legislation was running rife. Those who knew nothing of trusts were catching up the popular cry and using it for political ends. All kinds of anti-trust laws were being passed, and those who were in the business were subjected more or less to inquiry as to methods, and the means of evasion were not so well understood as later. Many who were in the trust would have liked to pull out and those on the outside were not likely to want to come in under such circumstances. Again, like many others the Cotton Oil Trust did not possess that perfect efficiency required to carry on a great industry with a minimum of waste and least cost of management. Consequently the time had come for the organization to fight for existence. Accordingly a move was made during the next year to change its organization. The change was begun and partially carried into effect the next year. Then arose the present American Cotton Oil Company.

During the existence of the trust as such but one dividend of one per cent was declared, but President Andrews believes the net earnings amounted to no less than 12% on the actual capital involved. The rate of profit for the years in which figures are given above is a per cent on one-half of the certificates, which is a fair estimate of actual capital. But the fact is it is very difficult to find out anything about the actual workings of the trust; as it maintained, so far as it could, greater secrecy than is the policy now of its successor. The range of certificates during that period is very variable, but one or two things are very noticeable by reference to the table; during the first years of its existence its

certificates were worth more on the market, but from 1886 to 1890 with one exception the tendency was downward. In 1886 the certificates first appeared on the market and ranged from 30 to 70½ with an average of nearly 60. This indicates prosperity, and we have already learned that the trust had a practical monopoly of the crushing capacity and was in position to control the out put. As a consequence we find prices tending upward for the next year or two on products, while seed went down. Again, there was no great and sudden change in the out put. After this year we find the range somewhat lower, due to the lack of dividends and the mismanagement of those in charge; also to the great uncertainty that was then felt in regard to the fate of monopolies.

In 1889 there was a rise, due to the fact that re-organization was to take place on a firmer basis. Next year the certificates reached the lowest point in the history of the trust, perhaps, due to the delay in the complete re-organization caused by some certificate holders who persistently refused to come in. This caused a fear of failure and a consequent distrust of their value. There was also, perhaps, some manipulation by the promoters of the company to make the unexchanged certificates of as little value as possible, and by holding out inducements in the shape of the new company's stock to compel them to come in.

By the last of March, 1890, re-organization was said to have taken place. The company was organized under the laws of New Jersey. The plan of re-organization was as follows: The holders of trust certificates of which there were a little over \$42,000,000, were asked to exchange two shares of \$100 each for each \$100 of the new collateral trust bonds to the extent of one-half of their holdings. For the other half they were to receive par in the stock of the new company. By this plan the face value of outstanding certificates was to be reduced to about \$32,000,000. Of this \$21,000,000 was to be in common stock and the remainder in preferred stock.\*

*Range of American Cotton Oil Trust Certificates.*

1886, .....	30	@70½
1887, .....	24½	@64½
1888, .....	25	@57½
1889, .....	27	@61½
1890, .....	24	@34½

\* Unfortunately the investigation of this subject by Mr. Shue was not completed before his death.—EDITOR.

*Bales in Each Crop Year and Gallons of Oil Extracted and Per Cent of Whole Crushed.*

	Bales.	Gals. Oil.	
1870-1871, .....	4,347,000	3,000,000	4%
1871-1872, .....	2,974,000	2,250,000	4%
1872-1873, .....	3,874,000	2,300,000	3%
1873-1874, .....	4,130,000	3,000,000	4%
1874-1875, .....	3,831,000	3,500,000	5%
1875-1876, .....	4,362,000	5,250,000	6%
1876-1877, .....	4,474,000	4,500,000	5%
1877-1878, .....	4,774,000	6,000,000	7%
1878-1879, .....	5,074,000	7,800,000	8%
1879-1880, .....	5,761,000	10,000,000	9%
1880-1881, .....	6,606,000	8,000,000	6%
1881-1882, .....	5,456,000	12,000,000	12%
1882-1883, .....	6,950,000	15,000,000	12%
1883-1884, .....	5,713,000	16,000,000	15%
1884-1885, .....	5,706,000	20,000,000	19%
1885-1886, .....	6,575,000	23,000,000	19%
1886-1887, .....	6,494,000	27,000,000	23%
1887-1888, .....	7,047,000	32,000,000	25%
1888-1889, .....	6,939,000	30,000,000	24%
1889-1890, .....	7,297,000	37,000,000	25%
1890-1891, .....	8,674,000	40,000,000	25%
1891-1892, .....	9,018,000	44,000,000	25%
1892-1893, .....	6,664,000	46,000,000	33%
1893-1894, .....	7,532,000	55,000,000	40%
1894-1895, .....	9,837,000	69,000,000	40%
1895-1896, .....	7,147,000	51,000,000	40%
1896-1897, .....	8,706,000	59,000,000	40%
1897-1898, .....	11,216,000	86,255,000	40%
1898-1899, .....	11,256,000	94,165,000	43%
1899-1900, .....	9,440,000	70,800,000	40%

*Range of American Cotton Oil Company's Certificates.*

	Common.		Preferred.	
	Lowest.	Highest.	Lowest.	Highest
1890, .....				
1891, .....	15 $\frac{3}{8}$	34 $\frac{1}{2}$	33 $\frac{1}{2}$	63 $\frac{1}{2}$
1892, .....	32 $\frac{1}{2}$	47 $\frac{7}{8}$	63 $\frac{1}{2}$	86 $\frac{3}{8}$
1893, .....	24	51 $\frac{1}{4}$	50	84
1894, .....	21 $\frac{1}{2}$	24 $\frac{3}{4}$	63	79 $\frac{1}{2}$
1895, .....	14	30 $\frac{3}{8}$	59	79 $\frac{3}{8}$
1896, .....	8	12	37	69
1897, .....	91 $\frac{1}{2}$	26 $\frac{3}{8}$	52 $\frac{1}{4}$	80 $\frac{1}{2}$
1898, .....	15 $\frac{1}{2}$	39 $\frac{3}{4}$	66	90 $\frac{3}{8}$
1899, .....	30	46	88 $\frac{3}{4}$	97 $\frac{3}{8}$
1900, .....	30	37 $\frac{3}{4}$	88 $\frac{3}{4}$	100

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# THE STATE OF LOUISIANA VERSUS THE STATE OF MISSISSIPPI.

DISPUTED BOUNDARY IN THE WATERS OF THE GULF OF MEXICO.

ORIGINAL SUIT IN THE SUPREME COURT OF THE UNITED STATES.

BY MONROE MCCLURG.<sup>1</sup>

## JURISDICTION.

Section 2 of Article 3 of the Constitution of the United States provides that, "the judicial power shall extend to controversies between two or more States." While the Supreme Court of the United States is an appellate court in most of its powers, by virtue of the clause in the Constitution above mentioned it is given original jurisdiction to try and determine controversies between two States whether such controversy be over the boundary or some other matter or subject of dispute. In such case the original pleadings are filed in that court and process issued as in other courts, and, saving some special formalities becoming the dignity of that august tribunal, the proceedings are conducted in the usual way.

The jurisdiction of the Supreme Court of the United States

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<sup>1</sup> Hon. Monroe McClurg was born in Carroll county, Miss., March 19, 1857. His paternal great-grandfather, William McClurg, was a native of Scotland, his maternal grandfather was a native of Ireland. A great-great-uncle, James McClurg, was a member of the convention that framed the Constitution of the United States, taking the place of Patrick Henry, who, with Edmond Randolph, George Mason and George Wythe, all of Virginia, declined to sign the constitution proposed, while their colleagues George Washington, John Blair, and James Madison signed it. His grandfather, William, came to Mississippi from South Carolina in 1820 and settled in Hinds county, near Clinton, where his father, Yancey Crawford, was born, October 15, 1828. His father was named in honor of his mother's people, who were closely related to William L. Yancey, the great Alabama orator and statesman and to the Crawfords, a distinguished family of politicians, lawyers and statesmen of Georgia.

His father was mustered into the Confederate service at Jackson, Miss., 15th February, 1862, and belonged for a while to Co. A, 28th Miss., regiment, J. T. McBee, captain, Stark, colonel. He was then transferred to Co. G, 1st Reg. of State reserve forces, J. C. Dennis, colonel, in which he

over controversies between two States respecting their boundary lines has been frequently invoked. In the case of *The State of New Jersey vs. The State of New York*, 5 *Peters*, 284, the question was early considered and it was there held, that this court had original jurisdiction to settle disputed boundaries between States. That decision has been repeatedly approved, especially in the cases of *The State of Rhode Island vs. The State of Massachusetts*, 12 *Peters*, 657; and has been uniformly followed in the cases of *The State of Missouri vs. The State of Iowa*, 7 *Howard*, 660; *The State of Florida vs. The State of Georgia*, 17 *Howard*, 478; *The Commonwealth of Virginia vs. The State of West Virginia*, 11 *Wallace*, 39; *The State of Missouri vs. The State of Kentucky*, 11 *Wallace*, 395; *The State of Indiana vs. The State of Kentucky*, 136 *U. S.*, 479; *The State of Virginia vs. The State of Tennessee*, 148 *U. S.*, 503, and other cases.

Notwithstanding the full power of the Federal Supreme Court to settle such controversies, the States themselves may make agreements with reference to the *location* of their boundaries, and such settlement will be respected. Such agreements are not construed to be of those compacts which States are prohibited by the supreme law from making. But where territory

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was second lieutenant. He was promoted to the rank of captain just before the close of the war in 1865. The mother of the subject of this sketch, Susan M. Cain, youngest daughter of Patrick Cain, died in August, 1874. In the winter of 1875 his father married Miss Artimisha Bagley, of Panola county, Miss. To the first marriage were born James, who died young; Myles and Monroe, twins, the former dying young; Mary, the wife of J. S. Tillman, a farmer in Carroll county; Martha, wife of J. B. Harrell of Oklahoma City; William Herman, who died at the age of 24 years; John and Hubbard, twins, the former, a druggist at Vaiden, of which town he has been twelve years Mayor, the latter a merchant, at Ruleville, Miss.; Minnie, wife of T. A. Winborn, employee of the I. C. R. R. at Canton, Miss.; Katherine Belle, a daughter by the second union, married Thomas Williams, a farmer in Carroll county, and died a year later.

Monroe McClurg married Miss Ida Blanche Williams, the second daughter of A. B. and Mary E. Williams, at Vaiden, December 5, 1881. Three children were born of this union, Mrs. Susie Mai Richardson, wife of Mr. Bonner Richardson; Mrs. Ada Maude McConnico, wife of Mr. S. E. McConnico, Jr., and Monroe Belle, all of Greenwood, Miss. Mr. McClurg also resides at Greenwood, Miss., and is senior member of the law firm, McClurg, Gardner & Whittington.

He is a member of the Presbyterian church; was a delegate at large from Mississippi to the inter-national Sunday school convention at Chicago in 1888; is a Past Grand Master of the Independent Order of Odd Fellows, and represented the order four years in the Sovereign Grand Lodge. His most important work in that order was the organization of a



is to be taken from one State and added to another, the consent of both Legislatures and the Congress is essential. In creating the State of West Virginia, it was provided by the Legislature of Virginia that certain counties should be embraced within the boundaries of the new State, if the voters of those counties so decided at an election to be held for that purpose, and they did so decide. Although Virginia attempted by legislative enactment to recall her assent to this before Congress consented to the formation of the new State, the Supreme Court held that the compact was binding and the counties belonged to West Virginia. No time is fixed within which Congress shall assent.

The recent case of Virginia against Tennessee is perhaps the best exposition of this principle. In 1801-1803 the boundary between those States was fixed by mutual compact between them. This line was retraced and remarked by a joint commission of the two States again in 1858-1859. Subsequently, about the year 1892, the State of Virginia exhibited her original bill of complaint in the Supreme Court of the United States against the State of Tennessee praying that the real, certain and true boundary between them be ascertained, retraced, remarked and

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plan for building a Widows and Orphans' Home and the writing of a history of the order in Mississippi for the Grand Lodge of the World. He established, and published for two years, at Vaiden, a newspaper called *The Nucleus*, now known as the *Carroll News*.

After completing his high-school course at Louisville, Winston county, Miss., Mr. McClurg became at the same time deputy sheriff, deputy circuit clerk, deputy chancery clerk and deputy assessor of Carroll county, which positions he held until September, 1877. He then entered the law department of the University of Mississippi, from which institution he was graduated in June, 1878, in the first class taught by Prof. Edward Mayes. He was admitted to the bar at Vaiden, in November, 1878, by Chancellor R. W. Williamson. His first law partner was Hon. George Anderson, who afterward removed to Vicksburg and represented Warren county in the Legislature, and resigned to become circuit judge of the Ninth Circuit Court district. His next partnership was with Hon. Thos. H. Somerville, beginning in 1880 and ending with Mr. Somerville's election as Professor of Law in the University of Mississippi, in 1897. For seventeen years this firm was in almost every important case in the county.

In 1890 he was elected a delegate from Carroll county to the Constitutional Convention, and was next to the youngest member of that body; was appointed on the committees on franchise, election and apportionment, and on printing. He supported and signed the constitution finally adopted by the convention.

He was elected to the Legislature in 1896 from Carroll county and was appointed chairman of the committee on education; a member of the judiciary and other committees. He nominated Hon. Hernando D. Money for the United States Senate, to succeed Senator J. Z. George. In De-

established, as actually run and located in 1801-1803. A decree was entered accordingly on April 3, 1893, and on April 30, 1900, and commissioners were appointed to do the work. The delay was at the request of Virginia to allow time for the Legislature to provide for her share of the expenses. The line ran through the city of Bristol. The legislatures of the two States, by compact between them in 1901, agreed that the center of Main street through said city should be the State line. Congress readily assented to this compact, and notwithstanding the decretal order to run the line of 1801-1803, the commissioners reported the agreed line through Bristol and the court approved and confirmed it. The center of that street is not only the boundary between the two States, but between eastern and central time. At 12 o'clock in Virginia on the east side of the street it is only 11 o'clock in Tennessee on the opposite side. In Nebraska against Iowa, after suit brought, the court postponed the case in order

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cember, 1896, he moved to Greenwood and formed a partnership with Hon. S. R. Coleman and practiced law there until January, 1900.

Mr. McClurg was elected Attorney General of the State in 1899, and was installed along with the "Longino Administration," January 15, 1900. He was a member of the commission that purchased 14,000 acres of land in Sunflower county for a State penitentiary farm, and, with the commission, examined the land and thereafter passed upon the abstracts and titles to the same. He was a member of the State House Commission and drew the contracts for building the new State Capitol, and was the adviser of the commission and attended its meetings. His name appears on the tablet at the entrance of the building. He was a member of the Penitentiary Board of Control, of the Board of Election Commissioners, of the Board of Public Contracts, of the State Board of Public Education and of some other minor boards and commissions. He examined and passed upon the legality of nearly 1,000 charters, and upon more than 500 applications to have taxes, erroneously collected, refunded, and about 50 applications for certificates of exemption from taxation.

He appeared before the Supreme Court in more than 360 criminal appeals and in more than 40 civil suits in which the State or a political subdivision thereof was interested. More than 75 per cent. of these cases were affirmed, a record not before made. In the circuit and chancery courts of Hinds county and in the Federal courts at Jackson he appeared in many important cases for the State. He filed written briefs in more than 350 cases. Among the most important of them are the following:

Dinkins' Case, 77 *Miss.*, 874; Arnold's Case, *Ibid.*, 463; The Judiciary Amendments, *Ibid.*, 543; Lena Wilkinson's Case, *Ibid.*, 705; Straight's Case, *Ibid.*, 693; Allen vs. Leflore County, 78 *Miss.*, 671; Woodberry vs. McClurg, *Ibid.*, 831; The State vs. Cotton Oil Company, 79 *Miss.*, 203; Caffey's Case, 78 *Miss.*, 645; Holt's Case, *Ibid.*, 631; Auditor Cole vs. Humphreys, *Ibid.*, 163; The Mississippi Railroad Commission vs. The Gulf and Ship Island Railroad Company, *Ibid.*, 750; Kirby's Case, *Ibid.*, 175; Klyce's Case, *Ibid.*, 450; Seymour's Case, *Ibid.*, 134; The Industrial Institute and College Case, 81 *Miss.*, 174; Hayden's Case, *Ibid.*, 291; Conrad's Case, 80 *Miss.*, 229; Eaton's Case, *Ibid.*, 588.

that the two States might agree upon the boundary between them, and after so agreeing a decree was entered accordingly.

Section 4 of the Constitution of Mississippi (1890) provides that:

"The Legislature shall have the power to consent to the acquisition of additional territory by the State, and to make the same a part thereof; and the Legislature may settle disputed boundaries between this State and its conterminus States whenever such disputes arise."

In nearly all of the controversies over State boundaries that have been referred to the Supreme Court of the United States for adjustment, the suits were brought and defended by express legislative authority. Hence, the power rests with the State, acting by its Legislature, to adjust these controversies as to mere location by mutual compact, or to refer the matter to judicial judgment. It will appear further on in this paper that Louisiana and Mississippi undertook, not by legislative action, to adjust their troubles in the waters of the Mississippi Sound, and failing, on suggestion of those representing the Governor of Mississippi, Louisiana instituted her suit.

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He delivered more than 300 written opinions, besides many given daily to State officers and State institutions. Some of the more important are:

To the Governor, advising that a pardon signed by Governor McLaurin and left with his secretary to be delivered to a convict was effective if accepted; defining "vacancy in office," and advising the governor to recall his writ of election issued to the newly created eleventh circuit court district to elect a district attorney (Brewer).

To the State Treasurer, advising that he could not pay "Alcorn Money," nor the bonds issued to retire it, without special legislation.

To the Secretary of State, advising that charter fees should be fixed by the maximum of authorized capital; that foreign corporations doing business in this State must file a copy of charter and pay the fee fixed by law. These two opinions brought many thousands of dollars into the treasury.

To the Auditor of Public Accounts, advising what factories were exempted from taxation; that mutual insurance companies must report to his office (this caused many fraudulent organizations to go out of business); not to pay the "Wineman Claim," because a forgery had been committed in passing the law under which it was claimed.

To the State Land Commissioner, advising with reference to leasing of the public lands and to prevent depredations, and as to handling of escheated estates. By a suit in the Hinds county chancery court, he recovered 80 acres of land containing the quarry from which the stone was taken to build the old State House and turned the land over to the Land Commissioner, Hon. E. H. Hall.

To the State Revenue Agent, advising that the term of county treasurers ran from the first Monday in January to the first Monday of the next and that commissions should be so computed; also, with reference to solvent credits not returned to assessors, not being protected by approval



As above stated, suits of this class are usually brought and defended by express legislative authority. This must be regarded as the safe rule; yet, it is now well established that the governor of a State has power to cause such suits to be instituted, and undoubtedly to defend, regardless of legislative authority; but the point was reviewed in this case upon the proposition that questions as to the existence of a "controversy" within the meaning of the Federal Constitution were first of a *political* nature and referable primarily to the Legislature—the political department of the State.

In the early case of *Rhode Island vs. Massachusetts*, Chief Justice Taney, dissenting from the judgment of the court, held that the main question as to the boundary was a political question involving the exercise of political jurisdiction and sovereignty over the territory and its inhabitants. It was also raised in the case of *Missouri against Iowa*, and also in the case of *Florida against Georgia*, in which latter case Judge Taney rendered the opinion sustaining the jurisdiction saying, "that a question of

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of the assessment roll; advising how back taxes to the amount of more than a million dollars collected should be distributed.

To the Superintendent of Education, defining "exchange, introduction and permanent supply of school books," and advising that it meant dealings with the patron and not the school book dealer.

To the Railroad Commission, advising that it had power to order necessary spur-tracks put in; that it had jurisdiction to regulate switch charges independently of inter-state commerce; in the Southern and Mobile and Ohio Railroad merger, that the Southern must become a domestic corporation in this State; that the Commission had jurisdiction over steamboats plying the Mississippi river as to intra-state freight; defining inter-state commerce and advising the powers of the commission with reference thereto.

To the State Board of Health, that it had no power to regulate street car service.

To Public Institutions, advising the Industrial Institute and College; that is appropriations were available only through the State treasury; and the Agricultural and Mechanical College, and the Deaf and Dumb Institute that their trustees had no power to sell their lands, and advising the use of appropriation and insurance money in rebuilding the latter institution after its destruction by fire.

To the Warden of the Penitentiary, advising that the county should bear the expenses of responding to a writ of *habeas corpus ad testificandum* for a convict witness.

Some opinions of importance were given to district attorneys. Among them, one to Hon. J. W. Barron, advising as to the duties of that office and expressing doubt as to whether he should receive a fee to prosecute in a justice of the peace court in his district.

To the Boards of Supervisors many opinions of importance, such as advising them that they had power to furnish county officers with type-

boundary between States is necessarily a political question to be settled by compact made by the political departments of the government, but may become a judicial question to be decided by this court." However, boundaries between nations are political and our courts, recognizing treaties as laws, will follow those principles established by nations when it becomes necessary to do so in establishing boundaries between states or individuals, because the national boundaries are conclusive upon the State and the citizen. 6 *Peters*, 691; 11 *Peters*, 185; 12 *Peters*, 511 and 657.

We urged in the case of *Louisiana vs. Mississippi*, that it was unsafe to recognize in the executive a power to declare the actual existence of a "controversy" between two sovereign States as either the good judgment or the caprice of the incumbent might suggest, and that all the complaint in this case failed to disclose a "controversy" within the contemplation of the organic law. Ample protection is found, however, in the fact that such suits are not permitted to be filed in the Supreme Court without the consent of that court which is obtained by presenting the printed complaint accompanied by a motion for leave to file it;

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writing machines, stamps and stationery, and that circuit and chancery judges had authority to make allowance for clerical help to their clerks in term time. Every opinion that he gave that was tested in the courts was held to be correct.

During the first two years of his term Mr. McClurg had no assistant. The last year that he held the office he had one, as provided by the Legislature of 1902. He appointed Hon. Walter L. Easterling who resigned in June, when he appointed Hon. Wm. Williams. The new codification of the statute laws of the State, now being prepared by a commission appointed by Governor Vardaman, namely; Chief Justice Albert H. Whitfield, Judge W. H. Hardy and Hon. Thomas C. Catchings, was recommended by Mr. McClurg in his report to the Legislature and adopted by that body. Some other recommendations of minor importance were also adopted by the Legislature.

Mr. McClurg has been engaged in several cases of considerable importance since going back to private practice. One very interesting case is that of the Board of Trade of the City of Meridian against the Alabama & Vicksburg Railroad Company, in which he is leading counsel for the Board of Trade. The suit involves a large reduction of tariffs on grain and grain products between Meridian and Vicksburg. He secured from the Railroad Commission an order making the reduction. The railroad company then enjoined the commission from enforcement of the order. The injunction was dissolved by the chancery court of Hinds county and an appeal taken to the Supreme Court where the case is now pending.

He was admitted to practice in the United States Supreme Court, January 12, 1903, when he presented to that court the demurrer of Mississippi to the original bill of complaint filed against her by Louisiana. After resigning the office of Attorney General, Governor Longino retained him

and in the further fact that the point may be tested by demurrer, as was done in this case, or by plea or answer, as we do since the demurrer was overruled.

The pleadings and proceedings in State boundary causes are, a complaint in the nature of a bill in equity fixing a definite location of the true line as contended for by the suing State and a statement of pertinent facts, historical, or others, upon which she bases her claim. The defending State may demur, plead or answer. She usually comes to her answer, in which she denies that the true line is according to the contention of the complainant State and then, by way of cross-bill, states where the true line runs according to her claim and sets up facts relevant to her theory. This cross-bill is answered denying her theory, and the issues are thus made. In *New Jersey vs. New York* it was held that service of process on the governor and the attorney general of the State required its appearance without legislative authority to defend. And also, should a State fail to defend, no judgement by default should be permitted; the complainant State would be allowed to proceed *ex-parte*. The Supreme Court, after issue joined, then appoints one or

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to assist Gen. Williams, his successor, in this case. This employment was relinquished when the Legislature failed to make an appropriation to pay the fees and costs of defending the suit. Later, Governor Vardaman employed him in the case again.

He drew the Charter of incorporation of the Mississippi Division of the United Sons of Confederate Veterans and represented that organization in securing an acceptable conveyance from Mrs. Varina Jefferson Davis to "Beauvoir," the last home of the President of the Southern Confederacy, for a soldier's home.

Mr. McClurg resigned the office of Attorney-General, February 4, 1903, when it was almost certain that he would have no opposition for re-election. He declined to become a candidate for Governor of the State, when it was generally conceded that his prospects for election were good. Governor Longino at once appointed Mr. McClurg's assistant, Hon. Wm. Williams, Attorney General to fill the unexpired term, and General Williams, appointed for his assistant Hon. James N. Flowers, of Carroll, a former partner in the law firm of Somerville, McClurg & Flowers.

Before Mr. McClurg left Jackson, the State officers, assistants, clerks and employees gathered in the Governor's office and presented to him a cane suitably engraved, as a token of their friendship and esteem. The Governor, Judge Calhoun, General Williams, Railroad Commissioner A. Q. May, Superintendent H. L. Whitfield, Secretary of State J. W. Power, Auditor W. Q. Cole, Revenue Agent Wirt Adams, and others made short speeches. The surprise to Mr. McClurg was complete.

The Board of Supervisors of his county, Leflore, have appointed him on the building committee, charged with erecting a new \$100,000.00 courthouse in the city of Greenwood.—EDITOR.



more commissioners, who are as a rule agreed upon by the counsel for the litigant States and suggested to the court, to take and report the evidence in the case. This practice was approved in the case of *Missouri vs. Iowa*. When the testimony is all in and the record made up and printed under the supervision of the clerk, the case stands for argument and judgment. A rule of the court requires that in original cases the whole record shall be printed at the cost of the complainant. Maps and large documents to be reproduced in proper record size. The boundary is determined and declared by the court, and commissioners are appointed to go and mark it, by buoys in this case, and to report as the decree directs. This report is subject to exceptions by either State, to be heard and passed upon by the court. Briefly stated, as was remarked in the case of *Rhode Island vs. Massachusetts*, no court acts differently in deciding a boundary between States, than on lines between separate tracts of land.

#### TITLE BY LIMITATION.

It will be observed in the course of the proceedings of Louisiana against Mississippi that questions of long possession are more or less involved, hence it may not be out of place in indicating what the general trend of this case may be to note that, the common law rule of twenty years' adverse possession binding upon individuals does not apply to political communities. By a mistake made in the survey, Massachusetts got a strip of Rhode Island's territory three miles wide, and held it one hundred years. A demurrer to a bill setting up that fact was overruled, yet on final hearing the court refused to disturb the line so long acquiesced in. And the court so held in the dispute between Indiana and Kentucky over Green River Island, five miles long and half a mile wide, of which Kentucky's possession and jurisdiction extended to her admission in 1792, or about one hundred years. The same was held, upon about the same length of time, in Virginia against Tennessee. The rule seems to be not obstinate, but governed by the merits of each particular case.

#### MAPS.

In addition to the maps and diagrams filed as parts of the pleadings, it will be noticed that other maps are referred to.

Indeed, it must be generally understood that in cases of this character it is almost impossible to find the end without the use of some geography. So, it may not be out of place here to indicate some general rules as to the value of maps. In the treaty entered into between the United States and Spain in 1819 relative to the boundary between them west of the Mississippi river, the description of that boundary referred to the Melish map of 1818 as showing the 100th meridian and other lines. In the case of the United States against Texas, 162 U. S., 1, involving a controversy over Greer county as to whether the northern or southern fork of Red river was intended to be the northern boundary of Texas, the Supreme Court held that, generally, where a map is referred to in a treaty it is to be considered as expressly made a part of the treaty, but it could not control the location of the true meridian. Aside from this judicial declaration with reference to the meridian line, it must strike the rational mind as being the sound rule that, every map bearing upon the subject will be received by the court, examined and given such weight as its merit may warrant, in no event to change any line established by law. While maps may be of service in locating a line they cannot be recognized as being very high evidence for they are not usually drawn with an eye single to that purpose.

It is believed that the foregoing observations will serve to give those not familiar with the methods of settling controversies between States a somewhat better understanding of the history of that now pending between the States of Louisiana and Mississippi.

#### GIST OF THE CASE.

The kernel of the complaint of the State of Louisiana is found in the 9th paragraph of her bill. She says:

"Now your orator avers that there has developed in recent years in the waters south of the State of Mississippi and east of the southern portion of the State of Louisiana, a considerable growth of oysters, and an industry of large proportions in the handling of said bivalves either in their fresh or in canned condition, has resulted therefrom."

The legislatures of the two States had lately enacted laws creating an oyster commission, but the regulations for taking of oysters in the respective States were conflicting and the powers conferred upon the respective commissions were different.

Unfortunately for Mississippi, a compromise clause in her statute, Sec. 2, ch. 58, *Laws of 1902*, intended to secure perfect fairness and honesty by requiring that: "In making the appointments, the Governor shall select members who are familiar with all branches of the oyster industry, but who are not engaged in catching, canning, or dealing in oysters in any way," worked a great hardship on Mississippi as will appear further on in discussing a temporary line attempted to be fixed by the two commissions in joint session in September, 1902. The Governor of Mississippi observed the injunction in appointing the commissioners; good men, but none except those excluded by the act could be "familiar with all branches of the industry," and the result was that when our commission met the Louisiana commission in joint session, they were overreached and agreed to a temporary line seriously to the disadvantage of the raw oyster trade in our State. The agreement was not only inexpedient and harmful, but wholly without authority. It was one that those "engaged in catching, canning, and dealing in oysters" in Mississippi would never have assented to. Louisiana acted more wisely in this respect. Those acting on her behalf contended that the general authority given the several commissions to properly protect the public reefs and to regulate the taking of fish and oysters extended to the power to fix this line. The Mississippi commission evidently acted upon this idea, and in the belief that it was best under the then existing circumstances, but their action never received the approval of the authorities of the State or the people thereof directly interested. While Mississippians observed the agreement, it was rather to avoid arrest and litigation by Louisiana authorities and Louisiana courts, than a recognition of either the power of the commissioners to make it or its intrinsic fairness as a momentary compromise measure.

#### ROOT OF THE TROUBLE.

Like the love of money, which lies at the root of all evil, the "succulent bivalve" lies at the root of the boundary litigation between the two States. Other issues of tremendous importance to both Commonwealths, predestined to increase with the years to come, are incidentally involved: yet, search of the bottom



of the "Mississippi Sound" for the luscious, ever marketable oyster was the *causa causans* that provoked the two States, as alleged by our friends, to conflicting claims as to the location of the true boundary that marks the termination of jurisdiction and sovereignty in the Gulf waters by the one, and the beginning thereof by the other.

Louisiana was admitted into the Federal Union in 1812, while Mississippi took her equal footing with the original States in 1817. Thereafter these co-terminious States lived in harmony and dwelt together in peace until this trouble arose.<sup>2</sup>

The Discordia of commerce and trade cast, not the golden apple, but the gold getting oyster, before these lovely daughters of the South, not that the more beautiful should possess it, but in the spirit of the groveling commercialism of the age, that it should be owned by one having the superior legal right as fixed by the highest tribunal of the land. The Supreme Court is called upon, as Paris was, "to umpire the game." Let its decision be more fortunate.

#### GENERAL OUTLINE.

The most eastern, sometimes referred to as the most southern, mouth of Pearl river empties into Lake Borgne nearly at the point where that lake forms the western end of the "Mississippi Sound." The boundary of the two States southward to that lake is Pearl river. It is about seventy-eight miles, direct line, from the mouth of the Pearl, above mentioned, to the boundary dividing Alabama from Mississippi, ten miles east of the mouth of the Pascagoula river. The shore is in irregular course but well defined, in places somewhat bluffy. There is also well marked mainland by which Louisiana's high-tide mark may be followed (from a point on her shore due south of the mouth of the Pearl,) in its southward and westward swing around the mouths of the "great father of waters," to the mouth of the Sabine, five hundred miles away. To the south of the Mississippi shore and within six leagues thereof, in part, and to the east of the Louisiana mainland, and within three leagues thereof, in part, is a stretch

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<sup>2</sup> "Time and Place Relations in History with some Mississippi and Louisiana Applications," by Prof. H. E. Chambers, Vol. I., p. 67. *Pub. Miss. Hist. Soc.*, points to many reasons why these States should be friendly.

of thirty miles of marsh islands alternately called "The Grand Marsh" and "The Louisiana Marshes," barely protruding above the water; they are covered with a tall sea grass, or weed, the majority of them being submerged by each recurring flow of high-tide. Hence, it is said, this is the reason why the Congress speaks of the "*coast*" in the act admitting that State into the American Union, and of the "*shore*," in the act admitting Mississippi. Whatever the true reason may have been, it is a fact that as to the one State "*coast*" is used while as to the other, "*shore*." These two words figure at least in the draft of the pleadings that make up the issues joined and may be of more or less significance in the final determination of the contest between the two States.

#### WHAT IS IT WORTH?

The value of the disputed territory as a source of revenue to this State, for individual enterprises, as a field for remunerative labor, as well as from a general industrial and commercial point of view, is immense. In an article published in the *Mississippi Journal*, in December 1901, Hon. W. A. White, who was a member of the House of Representatives from Harrison county, in 1896, and author of the oyster statute of that year, and for many years district attorney for the coast counties, states:

"The trouble is we have too much *spat* and the oysters grow too thick, every oyster being supposed to spawn from 100,000 to 250,000 young oysters every season. This State has about 450 square miles of salt water, giving Louisiana all she claims. Of this an area of about 180 square miles has oyster beds scattered over it, covering about one-fourth this area, or 45 square miles. In some places they are too thick, in others they are too thin, yet people fish where they are too thin, because the oysters are large, while beds of millions of barrels remain on reefs where they are too thick to grow large enough for use. Instead of 45 square miles of area being oyster beds, the entire 180 square miles with proper handling can easily be converted into one solid mass of marketable oysters, thereby becoming a veritable mine of wealth to the State."

Hon. William Williams, Attorney-General of Mississippi, in a communication to the Legislature of 1904 on this subject said:

"To form an idea of the importance of this case to our State it needs only to consider that the property in the disputed territory is estimated to be worth \$2,000,000 to \$10,000,000, and that if we had an undisputed title to it the property would be the source of an annual income of perhaps \$200,000."

The Legislature, 1904, appointed a special committee from the Senate to inquire into the matter; the report, in part, is as follows:

"That on investigation and from the testimony of the most reputable witnesses, composed of the business men of the beautiful, thriving and growing city of Biloxi, and form a personal investigation of the enterprises and industries dependent upon the property now in dispute between the States of Louisiana and Mississippi, and claimed by the State of Louisiana, we state the following to be facts, amply supported by undisputed and undeniable evidences of the highest character, and the existence of the enterprises and industries of which Mississippi should be proud and from which she is now deriving a large revenue and will derive a larger as the years go by.

"That the territory in dispute in said case and claimed by the State of Louisiana of and from the State of Mississippi, exceeds three hundred square miles.

"That said territory in dispute is worth to the State of Mississippi, and her people, ten times all the oyster and water territory in the State of Mississippi, not in dispute.

"That said territory in dispute, based on the lowest estimate, is of the value of two millions of dollars, and will increase in value \* \* \* \* \*

\* That there are five large canning factories in operation in the city of Biloxi, and four shippers of raw oysters, and the volume of said shipping and canning business in said city of Biloxi, amounts to one million dollars per annum, and one-half million dollars is invested in said business, and all of this is in the city of Biloxi.

"That taking into consideration said business all along the coast in the State of Mississippi, including Biloxi, the volume of said business exceeds a million and a half dollars per annum, and it takes and there is used each year to operate said business, more than a million and a quarter dollars in cash, and the daily number of employees in the canneries alone is about one thousand, and more than three hundred boats and twelve hundred employees are engaged in catching oysters, and the daily pay roll for labor in handling the oysters amounts to over one thousand dollars, and for catching the oysters one thousand and five hundred dollars per day. And the average value monthly of the oysters caught is about one hundred and twenty-five thousand dollars, for the canneries alone, and does not include those caught for the raw shipment or shrimp business, which is large, and the sales of one firm (Lopez & Dukate) for the month of February, 1904, amounted to ninety thousand dollars.

"The oyster catch for this year will amount to eight hundred thousand barrels, and the shrimp business amounts, at Biloxi, to fifteen thousand barrels, which are worth sixty thousand dollars in their raw state and two hundred thousand dollars in their finished state.

"Respectfully submitted,

PATRICK HENRY,  
*Chairman.*

W. J. CROOM,  
E. H. MOORE,  
H. BLOOMFIELD,  
H. H. ELMORE,  
*Committee."*

Mr. W. K. M. Dukate, of the firm of Lopez & Dukate, mentioned in the above report, testified before the committee



that he would pay an annual cash rental of two hundred thousand dollars for the exclusive privilege of the disputed area properly protected.

Hon. John Dymond, Jr., of New Orleans, associate counsel for the State of Louisiana in this cause and counsel for the oyster commission of that State from its creation, and one of the best posted men in the country on the oyster, in a report to the Legislature of his State in May, 1904, among other interesting things says:

"As in other animate life, the oyster is of two sexes, male and female, but with the peculiarity that the same oyster may be one year male and the next year female. The breeding season extends from May 1st to September 1st, the months without the letter 'R,' when the oysters are commonly said to be milky. This milk is given off by both male and female, and under a microscope the milk of the female will be found to be a fluid composed of innumerable eggs, while the milk of the male is made up of innumerable *spermatozoa*. It has been calculated that a single oyster each year lays the enormous number of from forty million (40,000,000) to sixty million (60,000,000) eggs, and the male oyster, a similar quantity of *spermatozoa*. The eggs of the female and the *spermatozoa* of the male are brought together and mingled by the tides and currents. In order to develop oyster life, it is necessary for one of the *spermatozoa* to attach itself to an egg. When this happens fertilization and oyster life at once begin. This elemental fact in the natural history of the oyster has been demonstrated by an experiment conducted by the Johns Hopkins University at Baltimore, Md."

Mr. Dymond estimates that the area of water surface of Louisiana, calculated to a depth of 20 feet, is 7,226 square miles, or 4,631,152 square acres. But if calculated to a depth of 75 feet these figures would be increased to nearly 6,000,000 acres, or more than one-fifth of the total acreage of the State. Counting the indentations in her coast lines he claims that it is about 1,200 miles long. He estimates that at \$100 per acre as an annual rent for bedding grounds, a tax of two cents per barrel for oysters taken, together with licenses imposed upon vessels and tongmen, would soon bring a revenue that would pay the expenses of the State Government. All of his estimates are based upon the assumption that the disputed territory belongs to Louisiana.

#### GENERAL VIEW.

The Supreme Court of the United States has held that, within what are generally recognized as the territorial limits of States by the law of nations, a State can define its boundaries in the

sea, and the boundaries of its counties. Unless otherwise provided, the State boundaries follow the original national boundary, and national boundaries control those fixed by the State in its Constitution and laws. *R. I. vs. Mass.—Mo. vs. Iowa.* And also, that subject to the superior right of navigation, a State owns the tide waters and the tide water bottoms within its limits, including the public oyster reefs, and has absolute power to legislate respecting the same.

#### NORTH AMERICAN INDIANS.

The tracing of ancient boundaries to their source in North America naturally leads to a consideration of the status of the Indians who were found here by the adventurous white man and whose origin no man knows. A kind-hearted writer of Mississippi history said that they "were the original owners of the soil they occupied, they held it by a title more indefeasible than any parchment ever signed by the hand of an earthly monarch. The American Indians received a patent for their lands from the hand of the Creator of the world Himself." This sympathetic declaration is true mostly in its sentiment. An uncivilized native, without a system of government, the wild Indian never had any more title, according to the laws of nations, to the land over which he hunted than he did to the waters in which he fished, except such as was expressly recognized or conferred by the dominant government. In the case of *Johnson and Graham's Lessees against McIntosh* (1823), 8 *Wheaton*, 543, the Supreme Court of the United States held, that a "title to lands, under grants to private individuals, made by Indian tribes or nations north-west of the Ohio river, in 1773 and 1775, cannot be recognized in the courts of the United States." Whatever treaties have been made with them were in recognition of a right of occupancy based upon immemorial enjoyment. They have never been admitted into the society of nations.

#### ORIGIN OF SPANISH CLAIM.

The commission of Ferdinand and Isabella, King and Queen of Spain, to Christopher Columbus "to discover and subdue some islands and continent in the ocean" upon condition that he should

be Admiral, Viceroy, and Governor as long as he lived, "and after you, your son and heir, and so from one heir to another forever," was dated the 30th of April, 1492. Under this commission Spain claimed and exercised dominion over her possessions in America by virtue of the discovery thereof by Columbus, and under the grant of Pope Alexander, "*datum Romae, apud Sanctum Petrum, anno incarnationis Dominicae, 1493, quarto nonas Maii, Pontificus nostri anno Primo.*"

#### THE FIRST GREAT BOUNDARY.

After Columbus had discovered this country and Vasco da Gama, the Portuguese, had pushed into the tropical seas and on the western coast of Africa, conflicting claims by Spain and Portugal arose as to the limits of their new discoveries. To settle these contentions, Pope Alexander VI. "divided the world by a meridian line drawn about midway through the Atlantic, and gave to the Spanish sovereigns all unclaimed pagan lands that their subjects might find west of this line, and to the Portuguese Kings all new pagan lands discovered by Portuguese navigators east of the designated meridian." This was on May 3, 1493.<sup>3</sup>

#### DE SOTO AND FLORIDA.

In looking for the general boundary rather than attempting to run down a specific title, it is not deemed necessary to follow the adventures of Ponce De Leon, who searched for the Fountain of Youth in 1513, nor Narvaez, the gold hunter of 1528. Hernando De Soto emphasized Spain's claim in 1539 when he landed on the west coast of Florida and began the march that brought him to "the great river" in 1541.<sup>4</sup>

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<sup>3</sup> See "The History and Determination of the Line of Demarcation Established by Pope Alexander VI., between the Spanish and Portuguese Fields of Discovery and Colonization," by Prof. Edward G. Bourne in *Annual Report of the American Historical Association* for 1891, 103-123.

<sup>4</sup> The *Publications of the Mississippi Historical Society* furnish some very interesting and instructive information on this subject. "Spanish Policy in Mississippi After the Treaty of San Lorenzo," by Franklin L. Riley, Vol. I., p. 50. "Transition from Spanish to American Rule in Mississippi" by the same author, Vol. III., p. 261. "Route of De Soto's Expedition from Tallepacana to Huhusene" by Prof. T. H. Lewis, Vol. VI., p. 449, and "The Chroniclers of De Soto's expedition," by the same writer Vol. VII., p. 379.



## GREAT BRITAIN.

On the 7th day of October, 1763, the King of England issued his royal proclamation dividing his acquisitions in America, secured to his crown by the definitive treaty of Paris on the 10th day of the preceding May, between Spain, France and Great Britain, into four distinct and separate governments, namely: Quebec, East Florida, West Florida and Grenada. The proclamation recites that this was done that the colonists might avail themselves, with all convenient speed, of the great benefits and advantages of their commerce, manufactures and navigation. The boundaries of those respective governments were defined; it is sufficient here to say that East Florida was bounded to the westward by the Gulf of Mexico and the Apalachicola river, and to the east and south by the Atlantic Ocean and the Gulf of Florida, "including all islands within six leagues of the sea coast." West Florida was "*bounded to the southward by the Gulf of Mexico, including all islands within six leagues of the coast from the river Apalachicola to Lake Ponchartrain; to the westward by the said lake, the Lake Maurepas, and the river Mississippi; the northward by a line drawn due east from that point on the river Mississippi which lies in thirty-one degrees north latitude; to the river Apalachicola, or Catahoochie, and to the eastward by said river.*" This proclamation closely following the general "family compact" between the three powers, must have been the announcement of the tacit or expressed understanding between them as to the location of the true boundary. Notwithstanding the fact that Spain reconquered Florida from Great Britain during the American Revolution, or her cession to the United States in 1803, or her quarrel with the United States over the construction of that treaty and because of taking actual possession thereof by the latter power in 1811, her ratification in 1821 necessarily related back to the treaty of 1803 and inferentially and logically back to the proclamation of 1763.

## THE UNITED STATES.

As the result of the Revolution, the United States, by treaty with Great Britain in 1782 acquired all territory north of degree

thirty-one, and by treaty with France in 1803, the territory south of that degree, after it had been held only twenty days by that power.

#### MASON AND DIXON'S LINE.

While not directly affecting this case save in settling some legal principles incidentally involved, we may notice, as a matter of general interest in passing, that the location and general history of the 40th degree of north latitude far excels in interest and notoriety the finding of the 31st or any other degree or boundary on the American continent. It was in 1681 when the Province of Pennsylvania was granted to William Penn. In 1682 Penn purchased three counties from the Duke of York; those counties were then what is now the State of Delaware. From the center of the steeple of the old Court House at New Castle, Delaware, in 1701, Penn drew an arc of a circle, having a radius of twelve miles, as part of the southern boundary of Pennsylvania. The boundary between Pennsylvania and Maryland was the 40th degree. There was a blunder in a survey and controversies, re-surveys and lawsuits were frequent. In 1750 Lord Chancellor Hardwick, of England, rendered a decision which was taken as the basis for an agreement in 1760 for settling the line between the three provinces mentioned. After three years' effort the commissioners and surveyors, appointed under the agreement, failed to agree, and two eminent mathematicians, Charles Dixon and Jeremiah Mason, ran the line 244 miles west from the Delaware, but were compelled by the Indians to quit before their work was quite completed. They began in 1763 and suspended in 1767. The boundary fixed between Virginia and Pennsylvania in 1784, was, in part, "the line commonly called Mason and Dixon's line." This line was confirmed by a re-survey made in 1850 by Colonel Graham under compact between the States of Pennsylvania, Delaware and Maryland, occasioned by the accidental removal of the stone at the northeast corner of the latter State. A writer of history has referred to it as the line that for "many years separated freedom from slavery in the east." And, another declares that it was the cause "for establishing the Constitution of the United States."

The Canada-Alaskan boundary is the most noted of modern

times. Its 550 miles from St. Elias, east and south, around the coast strip to the head of Portland Canal is now being surveyed. Judge Hannis Taylor, counsel in this cause was counsel for the United States in that great case.

#### DEGREE 31 ADJUDICATED.<sup>5</sup>

George Poindexter, the most prominent figure in the admission of Mississippi into "the indissoluble union of indestructible states," at that time the territorial representative in Congress, afterwards Governor of the State and member of the Upper House of Congress, was one of the first (1827) to develop the legal status of titles deraigned from the United States Government as opposed to those deraigned from the Spanish authority after the treaty between Great Britain and the United States in 1782. He claimed certain lands by virtue of patents regularly issued by the United States Government, while his adversary, Henderson, claimed them under Spanish grants bearing date in 1795. The ever vexatious boundary contention of Spain was involved. In deciding in Poindexter's favor, among other things, the Supreme Court said:

"It is undoubtedly true, that the exact boundary line between the southern Britain colonies and Florida, was never adjusted while that province remained in the possession of Spain. Each crown claimed territory which had been granted by the other, and was settled by its subjects. Florida was at length ceded to Great Britain, after which, the 31st degree of north latitude was, by the proclamation of 1763, established as the dividing line between that province and Georgia. The crown, however, was in the habit of changing the limits of the colonies; and, though we complained of the manner in which this branch of the prerogative was exercised, we did not resist it. In consequence of a recommendation of the board of trade, the limits of Florida were supposed to be extended as appears by the commissions to its governor, so as to comprehend the land in controversy. This was the state of things when the War of our Revolution commenced. In its progress Spain took part in it, and reconquered Florida. At the treaty by which that war was terminated, Great Britain acknowledged the United States to be free, sovereign and inde-

<sup>5</sup> Much data of interest and value relating to degree 31 has been resurrected by the Mississippi Historical Society. See, "Sir William Dunbar, The Pioneer Scientist of Mississippi," by Prof. Franklin L. Riley, in *Publications of the Mississippi Historical Society*, Vol. II, p. 85. "Running Mississippi's South Line," by Peter J. Hamilton, Esq., in *ibid.*, Vol. II, p. 157. "Location of the Boundaries of Mississippi," by Franklin L. Riley, in *ibid.*, Vol. III, p. 167. "Report of Sir William Dunbar to the Spanish Government at the Conclusion of his services in Locating and Surveying the Thirty-first degree of Latitude," by Prof. Riley, in *ibid.*, Vol. III, p. 185. "British West Florida," by Peter J. Hamilton, Esq., in *ibid.*, Vol. II.



pendent, and treated them as such. Their boundaries were particularly described, so as to comprehend the land in controversy. The preliminary articles of peace between the United States and Great Britain were signed at Paris on the 30th of November, 1782. But these articles were provisional, and were not to take effect until terms of peace should be agreed upon between Great Britain and France, and between Great Britain and Spain. In the treaty with Spain, the Floridas were ceded to that power without any description of boundary.

"The United States continued to assert a claim to the 31st degree of north latitude, while Spain maintained perseveringly her pretensions to extend further north. This was the subject of long and fruitless discussion between the two governments, which was terminated by the treaty signed at San Lorenzo el Real on the 27th day of October, 1795. By this treaty, 'the high contracting parties declare and agree, that the southern boundary of the United States, which divides their territory from the Spanish colonies of east and west Florida, shall be designated by a line beginning on the river Mississippi, at the northernmost part of the 31st degree of latitude north of the equator; which from thence shall be drawn due east to the middle of the river Apalachicola, or Catahoochee; thence,' &c. This treaty declares and agrees that the line which was described in the treaty of peace between Great Britain and the United States as their southern boundary, shall be the line which divides their territory from east and west Florida.

"The article does not import to be a cession of territory, but the adjustment of a controversy between two nations. It is understood as an admission that the right was originally in the United States. Nor is there anything extraordinary in this admission. The negotiations were all depending at the same time and the same place. That between the United States and Great Britain was first completed and signed; it must have been communicated to France, and, of course, was known to Spain; in it the southern boundary of the United States was accurately defined. The subsequent cession of the Floridas to Spain contained no description of boundaries. Great Britain could not, without a breach of faith, cede to Spain what she had acknowledged to be the territory of the United States. No general words ought to be so construed. We think that Spain ought to have understood the cession, and must have understood it, as being made only to the extent that Britain might rightfully make. This opinion is confirmed by a subsequent part of the same article which respects the troops, &c." *Henderson vs. Poindexter's Lessees*, 12 *Wheaton*, 530.

#### SUPREME COURT REVIEW OF TREATIES.

In the case of *Foster and Elam against Nelson*, decided in 1829, 2 *Peters U. S.*, 253, the controversy was over a tract of land in Louisiana about thirty miles east of the Mississippi river (in the "Florida Parishes") and between the Iberville and lakes Maurepas and Pontchartrain on the south, and degree 31 on the north. The plaintiff claimed title under a Spanish grant of January 2, 1804, and approved by the King of Spain, May 29, 1804, and lost his suit upon the objection that Spain had no authority at that date to make the grant. The opinion was rendered by Chief Justice Marshall and contains a full review

of the treaties and laws respecting the strip south of the 31st degree embracing the territory now in dispute between Louisiana and Mississippi. The following is quoted from that high authority:

"The case presents this very intricate, and at one time very interesting question: To whom did the country between Iberville and the Perdido rightfully belong, when the title now asserted by the plaintiffs was acquired?

"This question has been repeatedly discussed with great talent and research, by the government of the United States and that of Spain. The United States have perseveringly and earnestly insisted, that by the treaty of St. Ildefonso, made on the 1st of October in the year 1800, Spain ceded the disputed territory as a part of Louisiana to France; and that France, by the treaty of Paris, signed on the 30th of April, 1803, and ratified on the 21st of October in the same year, ceded it to the United States. Spain has with equal perseverance and earnestness maintained that her cession to France comprehended that territory only which was at that time denominated Louisiana, consisting of the island of New Orleans, and the country she received from France west of the Mississippi.

"Without tracing the title of France to its origin, we may state with confidence that at the commencement of the war of 1756, she was the undisputed possessor of the Province of Louisiana, lying on both sides of the Mississippi, and extending eastward beyond the bay of Mobile. Spain was at the same time in possession of Florida; and it is understood that the river Perdido separated the two provinces from each other.

"Such was the state of possession and title at the treaty of Paris, concluded between Great Britain, France and Spain, on the 10th day of February, 1763. By that treaty France ceded to Great Britain the river and port of Mobile, and all her possessions on the left side of the river Mississippi, except the town of New Orleans and the island on which it is situated; and by the same treaty Spain ceded Florida to Great Britain. The residue of Louisiana was ceded by France to Spain, in a separate and secret treaty between those two powers. The King of Great Britain being thus the acknowledged sovereign of the whole country east of the Mississippi, except the island of New Orleans, divided his late acquisition in the south into two provinces, East and West Florida. The latter comprehended so much of the country ceded by France as lay south of the 31st degree of north latitude, and a part of that ceded by Spain.

"By the treaty of peace between Great Britain and Spain, signed at Versailles on the 3d of September, 1783, Great Britain ceded East and West Florida to Spain; and those provinces continued to be known and governed by those names, as long as they remained in the possession and under the dominion of His Catholic Majesty.

"On the 1st of October, in the year 1800, a secret treaty was concluded between France and Spain at St. Ildefonso, the third article of which is in these words: 'His Catholic Majesty promises and engages on his part to retrocede to the French Republic, six months after the full and entire execution of the conditions and stipulations relative to His Royal Highness the Duke of Parma, the Colony or Province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and the other States.'

"The treaty of the 30th of April, 1803, by which the United States acquired Louisiana, after reciting this article, proceeds to state that 'the first Consul of the French Republic doth hereby cede to the United States, in the name of the French Republic, forever and in full sovereignty, the said



territory, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic, in virtue of the above mentioned treaty concluded with His Catholic Majesty.' \* \* \*

"On the 30th of November, 1803, \* \* \* commissioners on the part of Spain, \* \* \* put \* \* \* the French Commissioner \* \* \* in possession of the Colony of Louisiana and of its dependencies, as also of the town and island of New Orleans, in the same extent which they now have, and which they had in the hands of France when she ceded them to the Royal Crown of Spain, and such as they should be after the treaties subsequently entered into between the States of His Catholic Majesty and those of other powers.' \* \* \*

"Previous to the arrival of the French Commissioner, the Governor of the provinces of Louisiana and West Florida, and the Marquis de Casa Calvo, had issued their proclamation, dated the 18th of May, 1803, in which they say: 'His Majesty having before his eyes the obligations imposed by the treaties, and desirous of avoiding any disputes that might arise, has deigned to resolve that the delivery of the Colony and island of New Orleans, which is to be made to the General of Division Victor, or such other officer as may be legally authorized by the Government of the French Republic, shall be executed on the same terms that France ceded it to His Majesty; in virtue of which, the limits of both shores of the river St. Louis or Mississippi, shall remain as they were irrevocably fixed by the 7th article of the definite treaty of peace, concluded at Paris the 10th of February, 1763, according to which the settlements from the river Manchac or Iberville, to the line which separates the American territory from the dominions of the King, remain in possession of Spain and annexed to West Florida.'

"On the 21st of October, 1803, Congress passed an Act to enable the President to take possession of the territory ceded by France to the United States; in pursuance of which \* \* \* the French Republic, surrendered New Orleans and the Province of Louisiana on the 20th of December, 1803. The surrender was made in general terms; but no actual possession was taken of the territory lying east of New Orleans. The Government of the United States, however, soon manifested the opinion that the whole country originally held by France, and belonging to Spain when the treaty of St. Ildefonso was concluded, was by that treaty retroceded to France.

"On the 24th of February, 1804, Congress passed an Act for laying and collecting duties within the ceded territories. \* \* \* It must be considered, not as acting on the territory, but as indicating the American exposition of the treaty, and exhibiting the claim its Government intended to assert.

"In the same session on the 20th of March, 1804, Congress passed an Act erecting Louisiana into two territories. This Act declares that the country ceded by France to the United States south of the Mississippi Territory, and south of an east and west line, to commence on the Mississippi River at the 33d degree of north latitude and run *west* to the *western* boundary of the cession, shall constitute a territory under the name of the Territory of Orleans. Now, the Mississippi territory extended to the 31st degree of north latitude, and the country south of that territory was necessarily the country which Spain held as West Florida; but still its constituting a part of the territory of Orleans depends on the fact that it was a part of the country ceded by France to the United States. No practical application of the laws of the United States to this part of the territory was attempted, nor could be made, while the country remained in the actual possession of a foreign power. \* \* \*

"The President was authorized to appoint registers or recorders of lands acquired under the Spanish and French governments, and boards of



commissioners who should have received all claims to lands, and hear and determine in a summary way all matters respecting such claims. Their proceedings were to be reported to the Secretary of the Treasury, to be laid before Congress for the final decision of that body.

"Previous to the acquisition of Louisiana, the Ministers of the United States had been instructed to endeavor to obtain the Floridas from Spain. After that acquisition, this object was still pursued, and the friendly aid of the French Government towards its attainment was requested. On the suggestion of Mr. Talleyrand that the time was unfavorable, the design was suspended. The government of the United States, however, soon resumed its purpose; and the settlement of the boundaries of Louisiana was blended with the purchase of the Floridas and the adjustment of heavy claims made by the United States for American property, condemned in the ports of Spain during the war which was terminated by the treaty of Amiens.

"On his way to Madrid, Mr. Monroe, \* \* \* addressed a letter to the Minister of Exterior Relations, in which he detailed the objects of his mission, and his views respecting the boundaries of Louisiana. In his answer to this letter, dated the 21st of December, 1804, Mr. Talleyrand declared, in decided terms, that by treaty of St. Ildefonso, Spain retroceded to France no part of the territory east of the Iberville which had been held and known as West Florida; and that in all the negotiations between the two governments, Spain had constantly refused to cede any part of the Floridas, even from the Mississippi to the Mobile. \* \* \*

"Had France and Spain agreed upon the boundaries of the retroceded territory before Louisiana was acquired by the United States, that agreement would have undoubtedly ascertained its limits. \* \* \*

"Soon after the arrival of Mr. Munroe at his place of destination, the negotiations commenced at Aranjuez. \* \* \* No advance toward an arrangement was made, and the negotiations terminated, leaving each party firm in his original opinion and purpose. \* \* \* Had Louisiana been retroceded with the same extent that it had when France ceded it to Spain, or with the same extent that it had before the cession of any part of it to England, no controversy respecting its limits could have arisen. Had the parties concurred in their intention, a plain mode of expressing that intention would have presented itself to them. \* \* \*

"In a controversy between two nations concerning national boundary, it is scarcely possible that the courts of either should refuse to abide by the measures adopted by its own government. \* \* \*

"The convulsed state of European Spain affected her influence over her colonies; and a degree of disorder prevailed in the Floridas, at which the United States could not look with indifference. In October, 1810, the President issued his proclamation, directing the Governor of the Orleans Territory to take possession of the country as far east as the Perdido, and to hold it for the United States. This measure was avowedly intended as an assertion of the title of the United States; but as an assertion which was rendered necessary in order to avoid evils which might contravene the wishes of both parties, and which would still leave the territory 'a subject of fair and friendly negotiation and adjustment.'

"In April, 1812, Congress passed 'an Act to enlarge the limits of the State Louisiana.' This Act describes lines which comprehend the land in controversy, and declares that the country included within them shall become and form part of the State of Louisiana.

"In May of the same year, another Act was passed, annexing the residue of the country west of the Perdido to the Mississippi Territory.

"And in February, 1813, the President was authorized 'to occupy and hold all that tract of country called West Florida, which lies west of the river Perdido, not now in possession of the United States.'

"On the third of March, 1817, Congress erected that part of Florida which had been annexed to the Mississippi Territory, into a separate territory, called Alabama.

"The powers of government were extended to, and exercised in those parts of West Florida which composed a part of Louisiana and Mississippi, respectively; and a separate government was erected in Alabama. (U. S. L., c. 4, 409.)

"In March, 1819, Congress passed 'an Act to enable the people of Alabama to form a constitution and State government.' And in December, 1819, she was admitted into the Union, and declared one of the United States of America. The treaty of amity, settlement and limits, between the United States and Spain, was signed at Washington on the 22d day of February, 1819, but was not ratified by Spain till the 24th day of October, 1820; nor by the United States until the 22d day of February, 1821. So that Alabama was admitted into the Union as an independent State, in virtue of the title acquired by the United States to her territory under the treaty of April, 1803.

"After these acts of sovereign power over the territory in dispute, asserting the American construction of the treaty by which the government claims it, to maintain the opposite construction in its own courts would certainly be an anomaly in the history and practice of nations."

#### BOUNDARIES OF MISSISSIPPI.

A review of the history of the boundaries of this State cannot fail to be of interest in making this succinct statement of the case of Louisiana *versus* Mississippi. In such review Mississippi seems to have suffered material loss of territory from sheer neglect to contend in time for her rightful boundaries. The following is taken from a carefully prepared discussion of our boundaries by Mr. Franklin L. Riley, Professor of History in the University of Mississippi. A native Mississippian, thoroughly competent to grasp the salient points and to stoutly discuss the subject, he has examined the highest authorities extant in support of every historical statement, and contributes to Mississippi literature a most valuable paper. It is worth the reader's time to turn to page 167 of Volume III., of the *Publications of the Mississippi Historical Society* and read his article. He says:

#### "THE NORTHERN BOUNDARY.

"When the Federal Government in 1804 presented to the Mississippi Territory the twelve-mile strip which had been acquired from South Carolina, the northern boundary of Mississippi was made to join Tennessee. This boundary line had first been defined in the charter of South Carolina as the 35th degree of north latitude. The survey was partially made in 1818 by General Coffee, and was completed by General Winchester, who ran it to the river Mississippi. All parties concerned acquiesced in both of these surveys.

"There seems to have been little subsequent attention directed to this boundary until many years later. Doubts finally arose as to the correctness

of the old surveys, and it was then thought that if the line were properly run it would place Memphis within the limits of Mississippi. Tennessee declined an invitation to coöperate with Mississippi in having the line re-surveyed. Governor Brandon, of Mississippi, appointed a man to determine the 35° of north latitude. He located the line a few miles *south* of the old line. When Tennessee learned that she would likely gain land by a new survey, she ran a line, taking as a starting point the newly-found location of the 35°. Governor Brandon was notified of this survey, but never concurred in its correctness.

"General Carroll, of Tennessee, then claimed as the property of his State about three hundred square miles previously included in Mississippi. A writer of the time characterizes this action of General Carroll as 'a strange assumption,' because, says he, 'the two States have never mutually agreed to it. Everything has been *ex-parte*.' 'We ought, therefore,' he continues, 'to insist on our boundary as it was, until Tennessee will concur with us in the choice of a suitable person to determine the 35° of north latitude. The manner in which our commissioner executed his duty has never been made known to the people, as it should have been, so that competent persons might detect errors, if any, in his mode of proceeding. That there was error, I have but little to doubt, when I reflect that the editor of the American Almanac of 1835 has determined from actual observation, that even the latitude of Boston is three miles less than that assigned by preceding able observers; that of Baltimore five miles less; that of Salem three less; and that of Halifax, N. S., has been recently determined to be five less than formerly. The same observer, I think, would place our line nearer Memphis than it ever was, and for one, I should not object to both States selecting that able individual to determine the position of the 35th degree of north latitude. Had our commissioner, with his same instruments, determined the 31st degree of north latitude, and the northern boundary of Tennessee in 36° 31', and found them correct, it would be proper for us to acquiesce in his results, which we never did, and ought not to, until we have some means of ascertaining that he went the right way to work. Let us insist upon what we have a right to, and ask no more. The sooner our boundary is definitely settled the better.'

"In 1837, two years after the foregoing statements were published, a joint commission consisting of B. A. Ludlow, D. W. Connelly and W. Petrie, from Mississippi, and J. D. Graham and Austin Miller, from Tennessee, established a permanent line between the two States. Very much to the regret of at least a few Mississippians, in the 30's, Memphis still remained within the limits of Tennessee, and Mississippi lost about two hundred square miles of territory, the former boundary having been found too far north."

It thus appears as a historical fact there was good reason to believe that the now great city of Memphis is on what was once thought or intended to be Mississippi soil. There is another matter, perhaps more of tradition than of historical fact in connection with the foregoing statement that Memphis was possibly within our limits, as originally intended, namely: that New Orleans logically belonged to Mississippi, and most likely would have been within her bounds but for political and commercial influences that dominated state line questions in the early days.



## DISFIGURATIONS.

The writer of this article, as a member of the convention that framed the present Constitution of this State, remembers to have heard Ex-Governor James L. Alcorn, also a member, declare on the floor of the convention that "the disfiguration of the map of Mississippi in her southern boundary was due to envy by the City of Natchez toward New Orleans." He stated, in substance, that the Mississippi river was the natural and logical boundary between the two States, but that Natchez, then the most powerful political section of the territory and the proposed new State, had an ambition to become the metropolis, the commercial and financial center of the new Commonwealth. Knowing that she could not cope with New Orleans because of the advantages that city possessed in being nearer the Gulf of Mexico, she practically acquiesced in the proposition, first to run the line of Louisiana through the river Iberville, lakes Maurepas and Pontchartrain and the Rigolets into the Gulf of Mexico and, eight days later, in moving the line northward to the 31st degree of north latitude, and east to the most eastern mouth of Pearl river, but failing, as stated in our cross-bill to the complaint of Louisiana in the litigation now pending between the two States, to define the line out of Pearl river into the Gulf proper.

In his off-hand, impromptu speech, Governor Alcorn did not cite any authority for his declaration, but it will not be questioned that he had in mind sufficient fact to support it. Indeed, a glance at the map will induce one to believe that there must have been some controlling reason, aside from old treaty lines, for not making the Mississippi river the boundary to its mouth. Looking backward now under the lights furnished by nearly a century we see how it was possible for both Memphis and New Orleans to have been Mississippi cities. We may at least profit by the lessons of history and past experiences and not permit our State to be sheared of about two-thirds of her coast front without a most earnest and vigorous protest.

There is another "disfiguration" in the map of Mississippi in the making of which she was more fortunate than in the one referred to by Governor Alcorn. It will be noticed from a casual glance at the map that the boundary between this State and Ala-

bama diverges to the east as it runs southward from the northwest corner of old Washington county, Alabama. The history of fixing this line bristles with interesting facts, a peculiar one being that the Act of Congress creating the State of Mississippi, Mr. Poindexter's first proposition to create one State twice the size of Pennsylvania, comprising the entire territory west of Georgia, having been rejected, a later proposition provided that the boundary from the northwest corner of Washington county should run *due south to the Gulf of Mexico*. Nevertheless, the surveyors were authorized to bear to the east, if it became necessary to avoid encroachment upon the counties of Wayne, Green, and Jackson in Mississippi. It was found necessary to strike the Gulf of Mexico ten miles east of the mouth of the the Pascagoula river to prevent the encroachment, the diverging line beginning at or near the northeast corner of the county of Wayne.<sup>6</sup>

The present contest lends significance to the fact that when Mississippi in 1817 and Alabama in 1819, sisters from the womb of the great territory severed from Georgia in 1798 and the South Carolina strip on the north in 1804 and the West Florida grab south of degree 31 in 1811, it became necessary that they arrange their territorial accounts with Georgia as provided in the cession by that State to the United States of the territory of which they are composed, and to adjust themselves generally for their new relation. Without "threatened armed conflicts," "conferences" or "commissions," the two States by regular and orderly legislative methods quickly and properly settled with each other and, notwithstanding Georgia and Alabama had a suit to determine whether the boundary between them was at the line of the west bank or in the middle of the Chattahoochie river, in which suit the west bank was established as the line, Alabama and Mississippi have lived happily together to this day.

It is somewhat remarkable, too, that the boundary which is most disfigured and uncertain and has been productive of most confusion, of much civil and criminal litigation, and where the nearest approach to a substantial "controversy" is found, has never been considered so serious as to demand location by action

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<sup>6</sup> A very interesting paper on "Early Times in Wayne County," giving the history of the county and some of its prominent men, by Jesse M. Wilkins, Esq., may be found in Vol. VI., p. 265, of the *Publications of the Mississippi Historical Society*.

of the two adjacent sovereignties. The channel of the Mississippi river has made many changes since March first, 1817; at places violent avulsions have carried it many miles, generally westward, from where it ran then; yet, the place where the thread, or main channel, of that stream ran in 1817 is the true boundary to-day, although it may be in the middle of a plantation in a high state of cultivation, as at some points it is. This exact point was decided in the case of Missouri against Kentucky, 78 U. S., 395, in which both States claimed Wolf Island in the Mississippi river, about twenty miles south of the mouth of the Ohio. By the treaty between Spain, France and England in 1763, "the middle of the channel or bed" of that river was fixed as the boundary, and it was so recognized in the treaty of peace between the United States and Great Britain in 1783, and in the admission of those States into the Union. At those dates the middle of the main channel was on the Missouri side, but afterwards changed to the Kentucky side; nevertheless, the court held that the boundaries as originally fixed controlled and that the island belonged to Kentucky. The true line in navigable *rivers* separating one State jurisdiction from another, is the middle of the main channel of the river as it was at the time the boundary was first permanently defined. Iowa vs. Ills. 147 U. S., 1. It was also so held as to Green River Island in the Ohio river, in a controversy as to its possession between Kentucky and Indiana. 136 U. S., 479. The Missouri river, above Omaha, has been one of the most restless. Of this river Senator Ingalls is reported to have said, "it is too thick to navigate, and too thin to cultivate." The legal distinction, or the legal effect, between *accretion* and *avulsion*, is made plain in Nebraska against Iowa, 143 U. S., 359, where it was held that, as between individual land owners so as to boundaries between States, the law of accretion controls and leaves the boundary in the middle of the stream as shifted by the accretion no matter how rapidly it may be formed. But in case of avulsion where the stream suddenly abandons its old and seeks a new bed, the boundary remains in the old channel although high and dry.

In a recent prosecution for unlawful retailing in Coahoma county, Mississippi, the defense was that the venue of the offense



charged was in the State of Arkansas, although east of the Mississippi river. A tract of land in Bolivar county was assessed and sold in both States for delinquent taxes; a purchaser from Arkansas and one from Mississippi became involved in a lawsuit over the rents. Similar conditions exist north of the 31st degree between Mississippi and Louisiana. A plantation in Jefferson county, Mississippi, has been almost doubled by accretion, while other plantations have been almost or entirely destroyed by encroachment of the river. So it is all along the course of the "world's mightiest river" from Memphis to New Orleans, important changes are being constantly wrought.<sup>7</sup>

The contention over the rents above mentioned was in the Federal court at Little Rock. The Governor and Attorney General of the respective States were requested by the parties litigant in 1901 to make their States parties in order to secure a judicial determination of the State boundary. The Arkansas authorities, according to one of the counsel in the case, consented, but on this side those officials did not feel that they had authority in law to do so. They believed that it would be fruitless, even if that court had undertaken to decide the question; for that was not the method fixed by the organic law of the Union or of either State for locating the boundary between them. Mississippi has never recognized a "controversy" with Arkansas on account of these troubles. However, a bill, or resolution, was introduced in the last session (1904) of the Legislature of Arkansas proposing a suit in the Supreme Court of the United States to locate the boundary, but it failed to pass. The Legislature of Arkansas, in session at this writing (1905), has passed a bill appropriating the sum of \$2,500.00 to be used by the Attorney General in prosecuting a suit in the Supreme Court of the United States fixing definitely the line between that State and the State of Mississippi on "Buck Island" in Crittenden county, Ark., and now on the east side of the Mississippi river. The Governor vetoed the bill. It was said that considerable local trouble has arisen in that county on account of the assessment and collection of taxes and in the service of legal process because of the westward change in the

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<sup>7</sup> A paper written by Maj. William Dunbar Jenkins in 1902 and published in the *Publications of the Mississippi Historical Society*, Vol. VI, p. 283, on "The Mississippi River and the Efforts to Confine It in Its Channel," cannot be read without great pleasure and profit.

river. When the trouble shall assume such importance as to create a "controversy" between these co-terminous States let their Legislatures have amicable adjustment by appointing commissioners.

Further discussing our Southern and Western boundaries, Dr. Riley continues:

"In 1811, George Patterson, and four hundred and ten other inhabitants of West Florida petitioned Congress for permission to join the Territory of Mississippi. In this petition they gave the following reasons for making such a request:

"The climate, the soil, the people, the manners and the politics of both countries are the same, being only divided by an ideal boundary. We are all Americans by birth, and in principle; and if we are united with the Territory of Orleans, we will be subjected to all the conveniences and miseries resulting from a difference of people, languages, manners, customs and politics. \* \* \* \* \* If West Florida and the Territory of Orleans differ in every material respect (of which there can be no doubt), it follows that a coalition of the two countries would be productive of discord. \* \* \* \* \*

"Your petitioners are aware of the policy suggested by some of adding us, who are all Americans, to the people of the Territory of Orleans, who are chiefly French, in order to counteract the French influence. This may be sound policy, but \* \* \* \* \* it would be destructive to our individual happiness; a sacrifice too great, we trust, to be required of us to make a government, wise in its administration."

"This petition was referred to a committee of which Mr. Poindexter was the chairman and reported upon as follows:

"Your committee \* \* \* conceive that, in so much as the entire tract of country formerly possessed by Great Britain, under the name of West Florida, and subsequently transferred to Spain, \* \* \* \* \* has fallen under the dominion of the United States, it ought, in strict propriety, to be restored to its ancient limits, as the measure corresponds with the wishes, and is calculated to promote the permanent welfare of the people whose interests are immediately concerned. *It must be obvious, that to confer on the State to be formed of the Territory of Orleans, the whole extent of seaboard from the river Perdido to the Sabine Bay, would give to it an influence over the commerce of the western country which might be productive of the most mischievous consequences;* for \* \* \* \* \* there are many important regulations which would materially effect the navigation of the numerous rivers flowing through this country into the Gulf of Mexico, falling within the legitimate range of State powers. \* \* \* \* \* Thus, by affording every facility to the trade passing down the river Mississippi to New Orleans, and by interposing vexatious obstructions to the commerce of those rivers emptying into the Bay of Mobile and the lakes, that city will become the emporium of all the bulky articles of agriculture, which constitute in time of peace the great export trade of the Western States and Territories." The committee then recommended that all of West Florida be added to that part of the Mississippi Territory south of a line drawn from the mouth of the Yazoo river, and that the same be admitted into the Union as a State.

"\* \* \* \* \* Governor Claiborne, of the Territory of Louisiana, opposed the passing of this bill and wrote Mr. Poindexter the following letter:

"Success attend your efforts to bring in Mississippi, but I cannot approve your wish to attach the whole of West Florida. Had you pro-

posed that Orleans Territory should extend eastward to Pearl river up to the 31st degree; and the district from Pearl river to the Perdido, be attached to Mississippi Territory, I should have made no opposition. But your demand for the whole is rather extravagant, and would be greatly injurious to the interests of Louisiana. I myself would prefer the Perdido for our eastern boundary, and there are strong equities in the claim. But we will compromise and take as far as Pearl river, and leave to you the country on the Pascagoula and Tombigbee, and the custody of one of the great avenues of western commerce, the Mobile river.'

"Three months later, when the bill reported by the committee was called up, Mr. Poindexter offered an amendment which changed the proposed southern boundary by adding to the Mississippi Territory only that part of West Florida lying between the Pearl and Perdido rivers. In this way the Mississippi Territory was extended to the Gulf of Mexico, but failed to get all of West Florida. This amendment was heartily approved by Mr. Clay, who was then the Speaker of the House, and the bill as amended became a law."

#### LATER HISTORY.

Keeping in mind that it was in October, 1810, that the president issued his proclamation directing the Governor of Orleans Territory to take possession of the territory south of degree 31, "subject to future adjustment," and that the next year, 1811, the Congress in effect directed actual possession, and that in the same year the people of West Florida were clamoring to join the Mississippi Territory, the claim of Mississippi to sovereignty and jurisdiction from 1812 is not wholly groundless. Still following some of the historical data we find additional evidence in her favor.

On May 14, 1812, the same Congress that had just one month before admitted Louisiana into the Union as a State, annexed "all that portion of territory lying east of the Pearl river, west of the Perdido, and south of the 31st degree of latitude" to the Mississippi Territory, to be governed by the same laws then in force therein, or which might thereafter be enacted, in the same manner as if it had originally formed a part of said territory, and the inhabitants were to have a representation in the General Assembly thereof.

On the 1st of August, 1812, Hon. David Holmes, Governor of the Mississippi Territory, erected the whole of that tract of country into a county and named it "Mobile." The proclamation extended the laws of Mississippi Territory over said county and declared the inhabitants thereof to be "entitled to all and singular the jurisdiction, rights, privileges and immunities that respec-



tively appertain to the counties of said Territory." On the 17th of September following, he issued a writ for the election of a representative from said county to the General Assembly of the Mississippi Territory. On December 14, 1812, the counties of Hancock and Jackson were organized by the General Assembly of the Territory and embraced all that part of Mobile county from the Pearl to the present Alabama line, and from this line to the city and Bay of Mobile lies this day Mobile county, named by Governor Holmes.<sup>a</sup>

The next important step was the Act of Congress of March 1, 1817, providing for the admission of the State of Mississippi with her boundaries defined as set out in the pleadings. On December 10, 1817, she was accordingly admitted.

#### GEOLOGICAL PUBLICATIONS.

A report on the Geology of Mississippi embraced in a sketch of the Social and Natural History of the State by B. L. C. Wailes, Geologist of Mississippi, published by order of the Legislature in 1854, states the following:

"The State of Mississippi lies between the thirty-first and thirty-fifth parallels of north latitude, with the addition of that portion lying between the first mentioned parallel and the Gulf of Mexico and Lake Borgne and east of Pearl river. On the west it is bounded by the Mississippi and Pearl rivers, and on the east by a line dividing it from the State of Alabama, which is drawn from the mouth of Bear Creek on the Tennessee river to the northwestern corner of Washington county, Alabama, and thence south to a point on Grand Bay on the Gulf of Mexico, about seventeen miles due west from the Bay of Mobile. The State also embraces the islands in the Gulf within six leagues of the northern shore, the principal of which are Horn, Ship, and Cat Islands.

"The width of the State along the northern boundary is one hundred and twenty miles; on the sea shore seventy-eight miles; and along the 31° of north latitude one hundred and eighty-six miles. The greatest length from north to south is three hundred and thirty miles. It embraces an area of 55,500 square miles or 35,520,000 acres."

The preliminary report on the Geology of the State of Mississippi by L. Harper, L. L. D., State Geologist, published by order of the Legislature in 1857, gives the following geographical description of the State:

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<sup>a</sup> "Manuscripts, Papers and Documents," by Peter J. Hamilton, Esq., and "State Archives," by Prof. Franklin L. Riley, Vol. V., *Publications of the Mississippi Historical Society*, pp. 51 and 70, gives much information on this subject. So does "The Territorial Growth of Mississippi," by J. M. White, in *ibid.*, Vol. II., p. 125.

"The State of Mississippi is bounded, north, by Tennessee; the boundary line, which separates it from the latter State, agrees with the 35th degree of N. lat. It commences W. on the Mississippi river, long. 90° 18', divides Horn Lake in two parts, leaving only a part of its southern arm in the State of Mississippi, and comes out of the lake exactly below a ridge of hills, reaching the lake from the E.

"From there, that boundary line continues to the Tennessee river, striking this river under the 88° 13' of Long. from Greenwich. From there to the mouth of Big Bear Creek, under the 88° 7', the Tennessee river forms the boundary line of Mississippi, leaving a small corner within the square of the State, between it and Tennessee, to the State of Alabama.

"From the mouth of Big Bear Creek, from the 88° 7' of Long. from Greenwich, the State is bounded E. by Alabama, the boundary line going from that point in a direction of about S. S. W., or more exactly S. 15° W., to a point under lat. 32° 8', long. 88° 38', from which point it turns again a little E., and goes S. 15° 25', long. 88° 18'.

"From the latter point to the mouth of Pearl river, lat. 30° 13', long. 90° 25', the Gulf of Mexico forms the boundary of the continental part of the State; not excluding, nevertheless, a number of islands of which Round, Horn, Ship, Deer, Cat, and Aupied Islands are the principal.

"From the latter point, lat. 30° 13', long. 88° 18', in the mouth of Pearl river, this river makes the W. boundary of the southern part of Mississippi, to lat. 31°, long. 88° 45', separating the State from that of Louisiana.

"From the latter part of Pearl river, lat. 31°, long. 89° 45', the southern boundary line, which separates Mississippi from Louisiana corresponds with the 31° of N. lat. to the Mississippi river, in long. 91° 41'.

"From this point, in lat. 31°, long. 91° 41', to the line of Tennessee, in lat. 35°, long. 90° 18', the principal channel of the Mississippi river forms the western boundary line of the State, and separates its southern part from the State of Louisiana, and its northern part from Arkansas.

"The territory, on whose geology I have the honor of reporting to the legislative body of the State, extends, therefore, according to the above geographical description, from 35° of N. lat. 30° 13', and measures, in its greatest latitudinal extent, 287 geographical, or 331.65 statute miles.

"In longitude it extends under the 31° of N. lat. from the Alabama line, in long. 88° 23', to long. 91° 41', on the Mississippi river, and measures, in its greatest longitudinal extent, 193 geographical, or 227.7 statute miles.

"The State has the smallest latitudinal extent west of Pearl river where the southern boundary line follows the 31° of N. lat. It measures there in length 4 degrees, from the 31st to 35th, or 230 geographical or 276 statute miles; and width, from long. 88° 23', on the Alabama line to long. 89° 45', on Pearl river; extending over 1° 11', or 71 geographical, or 81.65 statute miles.

"The area comprehended in the territory of the State of Mississippi, comprises, according to a careful calculation, about 45,468 square miles, or 29,099,520 acres of ground, which is divided among the different geological formations in the State."

The ablest geologist the State ever had, and one of the most profound scholars of this country, Professor Eugene W. Hilgard,<sup>9</sup> formerly of the University of Mississippi, never undertook, to

<sup>9</sup> For a history of the men and work of Mississippi geologists, see "A Historical Outline of the Geological and Agricultural Survey of the State of Mississippi," by Eugene W. Hilgard, Ph. D., Vol. III., p. 207, *Publications of the Mississippi Historical Society*.

define the boundary. But in his report (1851) on the geological formations of the State, he published a map that marked the geological limit south of Isle au Pitre, or Isle au Pied, as it was first called, meaning an island of *tracks*, and Malleuxeurx Point, far south of the deep water channel.

From Goodspeed's *Biographical and Historical Memoirs of Mississippi*, published in 1891, the following is taken:

"Mississippi is bounded on the south by the north line of southeast Louisiana, Pearl river and the Mississippi Sound of the Gulf of Mexico; on the east by the Tennessee River; on the north by the south line of Tennessee (latitude 35 degrees), and on the west by the Mississippi. It embraces also the islands in the Gulf of Mexico, within six leagues of the shore, viz: Isles Dauphin, Ronde, Corne, au Chevreul, aux, Vasseau, au Chat, St. Josephs, Grand Island, and a few smaller bodies of elevated sands, or a territory extending from latitude 30 degrees, to latitude 35 degrees north, and from longitude 11 degrees 25 minutes west to 14 degrees 33 minutes west. The area in square miles, as stated by the United States Census reports, is forty-six thousand eight hundred and ten, but local authorities place it as high as fifty thousand five hundred. The width of the State, on the line of latitude 35 degrees, is one hundred and eighty-six miles, and on the Gulf coast seventy-eight miles. The length of the State, on the line of longitude 12 degrees 30 minutes, being the greater line, is three hundred and thirty miles, but the frontage on the Mississippi is continental in its proportion."

The restoration of "the ancient limits" mentioned in the congressional committee report above noticed, with recognized seaboard and commercial rights and privileges, seems to have been agreed upon by the acknowledged representatives of the Mississippi Territory, then soon to become a State, and of Louisiana, a territory then rapidly developing into statehood. The assertion is here ventured that neither of those statesmen, nor the Congress, ever dreamed that East Florida should at any time be disgraced by a measure of her sea-front to the sailing line at the tips of her toes, or by a measure of three leagues from the northeastern point of Isle au Pied, now called Isle au Pitre, which would absolutely include Cat Island, almost touch the west end of Ship Island, and actually strike the Mississippi shore far east of the Bay of St. Louis, and gave Louisiana sovereignty and jurisdiction over the waters twenty-five or thirty miles east of the mouth of Pearl River. Most likely "the ancient limits" referred to the boundary drawn by the King of Great Britain in 1763, making the Gulf and Pontchartrain the line, "including all islands within six leagues of the coast." It is impossible to imagine that at that time France, the owner of Louisiana, especially of "the



island and city of New Orleans," would have asserted a claim to "the deep water channel," or to three leagues from the *eastern* mainland shore of her possessions. Respect for the declared limits as well as for the "seaboard and commercial rights and privileges" would have prohibited. There is much significant data in the Acts of Congress and statutes of this State that stoutly contravene the claim of Louisiana, but since this article is not intended for an argument, and believing that a general view of the case may be presented without further detail, such matter is not cited.

#### LOUISIANA'S CLAIM.

And now comes our sister, Louisiana, and undertakes, as we contend, to supply the line from the mouth of Pearl river through the eastern portion of Lake Borgne and across the "Mississippi Sound" into the Gulf proper, by saying the line follows the "deep water channel," which at this time hugs the Mississippi shore across the front of Hancock county, being at some points, not "six leagues from the shore," but less than the third of one league; across the front of Harrison county there is not a point until Jackson county is nearly touched where the "deep water channel" is "six leagues from the shore." Where this "deep water channel" was in 1812 or in 1817 she does not say, except inferentially that it is the same place. Most likely it was out of "The Rigolets" which was the outlet, of Manshac, Maurepas and Pontchartrain waters to the Gulf, as Lake Borgne was then by the Congress probably considered. It is impossible to go out of Pontchartrain to the eastern mouth of Pearl river which empties into Lake Borgne without passing through a portion of that lake, yet it is not mentioned in the laws creating the State of Louisiana. It is mentioned in the act defining the Mississippi boundary. The western mouth of the Pearl, a small stream, is in the Rigolets.

In addition to the "deep water channel," or rather in the alternative, Louisiana sets up the claim that "*westwardly*" as used in the Act of Congress admitting Mississippi into the Union of States, means a converging line, from a point six leagues in the waters due south of the shore at the Alabama line, coursing westward to the mouth of Pearl river touching the deep water line in Cat Island Channel, and following that channel to the mouth of the Pearl; and, as a kind of secondary alternative, she says,



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in effect, that inasmuch as she was first erected into a State and admitted into the Union with her boundaries defined as reaching from the mouth of the Pearl river to the mouth of the Sabine, and to "include all islands within three leagues of her coast," that, measuring these "three leagues" on her eastward outer coast, to the south of Mississippi, she would by such survey, taking the measurements at the extreme seaward limit of the "Marshes," (by which she means those low islands to her east,) reach up in front of Hancock and Harrison counties in Mississippi waters and take more of the Mississippi water front than she would by the "*westwardly*" course, or by the "deep water channel" line. In fact such a line would strike our shore about Pass Christian and take everything westward.

Before passing to the pleadings now before the court, it is of interest to note that our State replies to the contentions of Louisiana above mentioned by a substantial denial of her right to supply the boundary, or extend it from the mouth of the Pearl through eastern Lake Borgne and the "Mississippi Sound," not mentioned as such in 1812 or in 1817, and, that she, Mississippi, has "six leagues" from every point of her well defined shore, following the meanderings thereof, from one side of the State to the other. And, to the claim of fact set up by Louisiana as a basis of title by adverse possession, or acquiescence, that certain of the islands within the six leagues reach of the Mississippi shore were long ago (about 1852) patented by the Federal Government to Louisiana, probably under the swamp and overflow land grant Acts of 1849 and 1850, and by Louisiana to the Lake Borgne Basin Levee Board about 1892 and some of it sold by this board to her citizens and put on the tax rolls, Mississippi replies that, even if that be true, such transfers are void because the Constitution of the United States provides that the territory of one State cannot be transferred to another State without the consent of the Legislature of both States and of the Congress. And, says Mississippi, should it be true that Louisiana has acquired by adverse possession or acquiescence, the said islands, they are in fact valueless sand banks; and nevertheless, again says Mississippi, she did not thereby acquire title to the land under the surrounding waters wherein sleep the oyster. Mississippi claims that at least some of the islands south of the "deep water chan-

nel," and of the "westwardly" line, were recognized as belonging to her as far back as 1828. On the government maps the deep water channel is designated as a "sailing line" and as such was a few years ago, about 1896, buoyed by the Federal Government for purposes of navigation by vessels of deep draft. This "sailing line" was not intended to be buoyed as a line of demarkation between the States.

#### PRELIMINARY TO THE SUIT.

In the struggle for oysters, oysters!! oysters!!! the fishermen from the different States, it is alleged, came in conflict and among other assertions of their right, they claimed to be within this State, or that State, hence the dispute as to the exact location of the boundary between the two States. In her complaint, Louisiana charges the violation of her laws by Mississippians, and of the laws of Mississippi by persons from the State of Louisiana in fishing upon the natural oyster reefs, had reached such a crisis that, to avoid an armed conflict between the officers of St. Bernard Parish, La., and of Harrison county, Miss., the Governor of Louisiana called a meeting at New Orleans on January 19, 1901. The Governor presided over the meeting and several distinguished citizens of that State were present.

After much speech-making Hon. Albert Estopinal presented the following resolution which was adopted:

"Be it resolved, That the Governor of the State of Louisiana request the Governor of the State of Mississippi to appoint a Commission of five gentlemen to confer with a Commission to be appointed by the Governor of the State of Louisiana to consider the determination of the water boundary line between the two States and arrange for its easy location and identification by a proper system of buoys."

On January 26, 1901, Governor Heard addressed a most courteous letter to Governor Longino, informing him of the action of the meeting at New Orleans, especially calling his attention to the resolution above quoted.

On February 9, 1901, Governor Longino appointed five commissioners and notified Governor Heard.

On the 26th of March, 1901, the commissioners met in joint session in New Orleans, but came to no agreement.

On July 20, 1901, the Mississippi commission addressed a letter

to Hon. Albert Estopinal, of the joint commissions, in which letter it declined to agree to the line marked by the Louisianians, or to indicate its view, if it had any, as to where the line was, and recommended a friendly suit in the United States Supreme Court. It may be that this indecision and hurried recommendation was a course for the appeal to law; it was unfortunate.

In his message to the Legislature of 1902, Governor Longino called attention to what had transpired on the coast and submitted the matter to that body for such action as it deemed best.

The Legislature of Mississippi failed to take action on the matter at that session as did the Legislature of Louisiana at its session in May, 1902. The Governor of Louisiana, so far as I am informed, made no recommendation whatever. Whether the silence of the Legislatures of the two States was due to indifference, or to a belief that there was no necessity for action, or that there was no real "controversy" between them, is an open question to be settled according to the surmise or imagination of each individual. It is the opinion of the writer that the latter proposition caused inaction in Mississippi.

#### A NEUTRAL ZONE FIXED.

Following the proceedings above mentioned and shown at length in the pleadings, there was another meeting held in Mr. Dymond's office in the city of New Orleans, in September, 1902, the results of which may be said to have been the first effective measure adopted in this matter. The so-called "Boundary Commission" having met and recommended a lawsuit, the Legislatures of both States having met and adjourned without action, the oyster commissions of the respective States took up the matter for the arrangement of a sort of *modus vivendi*, a kind of armistice before the war began. These two commissions in joint session agreed that, pending the trial of a suit not then filed and final judgment of the boundary, a temporary line should be drawn in the waters of the Gulf and the citizens of the two States were expected to observe it. The first line followed the sailing line, or deep water channel, out of Pearl river to opposite the northern entrance into Grand Pass, or north of the western end of Isle au Pitre; thence southward to the west side of Grand Pass. All the territory lying south of this line and north of the



northern border of "The Marshes" from Malleuxeurs Point to Grand Pass, was to be "neutral," or open to licensed fishermen from either State. The line then follows the western side of Grand Pass southward by Sundown Island into Cat Island Channel, about fifteen miles seaward from Pass Christian. It was agreed that all territory south and west, or all the "marsh territory" should be reserved exclusively by Louisiana people, while all the territory north of the deep water channel line above described, and east of the western border of the Grand Pass and Cat Island Channel line, should be exclusively Mississippi territory. Vessels from Louisiana holding a Mississippi license, and *vice versa*, could fish, take oysters and shrimp in the neutral territory, and carry them where they pleased so far as Mississippi was concerned, but under the Louisiana law, all taken by her people had to be marketed in that State, and steam dredging was not allowed on the Louisiana side under penalty for felony. In the "marsh territory" is found the best oysters for the raw trade. In conceding all of that territory to Louisiana, a serious and keenly felt blow was dealt the immense raw oyster interests along the Mississippi coast. This compromise measure is not mentioned in the bill of complaint, doubtless because the bill had then been prepared; it was filed in Washington, October the 27th, 1902. Nevertheless, as above indicated, a protest against it came in no uncertain language from those interested along the Mississippi Coast.

About the 2nd of November, 1902, a mass meeting was held in Biloxi and resolutions adopted strongly protesting against the "zone line," and calling upon the Governor to make some effort to have it abrogated and to have the territory left open to both States as it had always been. As a result of this protest an important meeting hereinafter noticed was held in New Orleans on November 17, 1902.

The pleadings in the case are given in full in the official *Report of the Attorney General* to the Legislature of 1904, and will be interesting to the bar especially.

A summons was issued directed to A. H. Longino, Governor of the State of Mississippi, and Monroe McClurg, Attorney General of said State, to answer the complaint on January 12th, 1903. Instead of the service of this process in the usual way, it

was mailed by the Clerk of the Supreme Court direct to the Mississippi officials, with a courteous letter saying that, in cases of such dignity and importance the service was usually waived and notice of the suit accepted. That was done; then came an important conference between Mississippi's Governor and Attorney General. Governor Longino in his message to the Legislature of 1902, as above stated, had called attention to the troubles in the Gulf waters, but no action was taken. There was no legislation for amicable adjustment under the fourth section of the State constitution, nor for a suit under the second section of the third article of the Federal Constitution, nor any appropriation made to either bring or defend the "friendly suit" suggested by the boundary commissioners representing Mississippi's Governor. So, the Governor found himself powerless, save by draft upon his contingent fund to defend his State. The Attorney General thought the complaint demurable and agreed to go to Washington on January 12, 1903, and present the demurrer to the court; he did so but was disappointed; the court thought that there was enough in the complaint to require that an answer and cross-bill should be filed.

The originals and twenty-four copies each of the pleadings were duly filed in accordance with the rules of the Supreme Court. The filing of the answer and cross-bill of Mississippi was delayed for a few days because of a wreck on the Southern railway in which the express car carrying it was burned and reprinting made necessary. It was quickly and neatly done by the Express Company.

#### THE NEUTRAL ZONE AGAIN.

The next step of importance after the bill had been filed on the 27th of October, 1902, was another joint session of the oyster commissions of the two States held in a public hall in the city of New Orleans on the 17th day of November, 1902. The Governors and Attorneys General of the two States were present. This meeting was called at the instance of Governor Longino by request of the raw oyster dealers, canners and packers of Mississippi who were much dissatisfied as above shown with the temporary lines agreed to by the commissions in September. The raw oyster dealers were especially vexed because by that agreement the finest oysters for their trade, most plentiful in the

marshes, had been delivered over to Louisiana and their business had been thereby seriously crippled.

Governor Longino insisted vigorously, as did the Mississippi commission which had found itself "bested" by the Louisiana commission, for the abrogation of the September agreement, but the Louisianians held tenaciously to the bargain, hence no change was made.

The Attorney General of Mississippi insisted that there was no authority in law for the exercise of such power by the oyster commissions of these States and that the agreement ought to be wholly abrogated. He further insisted that there was no "controversy" between these States within the meaning of the Federal Constitution; he recognized that it was expedient to locate, establish and mark by buoys the boundary in the "Sound," but declared that expediency, or even a necessity for so doing, did not create such controversy, and that, inasmuch as it must be done ultimately by a commission, that one appointed by the States interested would be as effective, more satisfactory, cheaper, and could be accomplished much more quickly. He proposed as a settlement of the whole matter that the commissions and the officers of the States there present, adopt this course and refer the matter to the Legislatures of the two States for adjustment. It is believed that Governor Longino and the Mississippians would have agreed to this, but those representing Louisiana were implacable in their purpose to litigate, so the meeting proved abortive.

#### THE COMMISSIONERS.

The issues of the controversy having been joined, commissioners were appointed by the court to take and report the testimony. Attorney General William Williams on the part of Mississippi, his predecessor having resigned, and Attorney General Walter Guion on behalf of Louisiana, entered into an agreement as to the time and place for taking testimony which greatly expedited the progress of the case and, withal, exemplifies in some degree the truth of the statement that the suit is a friendly one. The writer and Hon. Geo. S. Dodds, then associated with General Williams, were present when this stipulation was made February 2, 1904, at General Guion's residence in the city of New Orleans; he was somewhat ill and it became necessary to go to his home. He in-



quired of General Williams as did his associate, Col. Frank C. Zacharie, who was also present at the conference, why he desired the appointment of ex-Governor Longino to represent Mississippi in taking testimony; they stated frankly that at least one of the counsel engaged on their side objected on the ground that the Governor had been a partisan of Mississippi in this matter during his administration. General Williams with equal frankness replied that Governor Longino was perfectly familiar with the controversy from its inception, a good lawyer and perfectly competent; that the people of his State had the utmost confidence in his integrity and probity of character and would be better satisfied with him than with the appointment of a stranger; and, he added, being an ex-Governor of the State, the Supreme Court of the United States, he thought, would possibly respect a report from him with more confidence than from a stranger to that court. General Guion appreciated the point and with a graceful gesture said, "Yes, sir; I think you right. I will agree to it. Louisiana don't want any sharp practice with her sister State." Hon. Frank H. Mortimer, the distinguished Clerk of the United States Circuit Court in the city of New Orleans, was named to act for Louisiana. The stipulation was that Louisiana should have March and April to take testimony in chief, and August and to September 15th in rebuttal, while Mississippi should have May, June and July in chief, and from 15th September to October 1, 1904, in rebuttal, then all evidence to close.

Governor Longino and Mr. Mortimer were accordingly commissioned by the Supreme Court, but Governor Longino declined to serve and returned his commission, because of the reasons stated by one of Louisiana's counsel and because he could not spare the time that would be required from his private and professional business. Thereupon, at the request of the Attorney General of Mississippi, the Attorney General of Louisiana agreeing, Hon. William D. Bullard, of the Pascagoula bar, was commissioned for Mississippi.

Mr. Mortimer appointed Mr. Reginald H. Carter, of New Orleans, official stenographer for Louisiana and Mr. Bullard appointed Mr. Frank M. Peyton, of Jackson, for Mississippi. No better appointments could have been made. Both gentlemen had acquired the highest proficiency in their profession and they were

extremely courteous, placing every member of the commission, especially this writer, under many lasting obligations to each. More than once Peyton confessed that Carter could turn him down "*in spelling these foreign names.*" Spanish, French, Italian and Americans were called to testify for one side or the other, and several times we had to call and swear an interpreter.

#### LEGISLATURE OF 1904.

In his message Governor Longino informed the Legislature of 1904 of the status of the case at that time. He said:

##### "STATE BOUNDARY CONTROVERSY."

"I had the honor to bring to the attention of the legislature at its session in 1902 the question of the disputed boundary between Mississippi and Louisiana, wherein each State is claiming ownership of, and jurisdiction over certain islands and waters in the Gulf of Mexico. The Legislature having taken no action looking to a settlement thereof, I took the matter up in person and tried in vain to effect an adjustment of said controversy with my ideas of the rights and merits of Mississippi's claim and interests in the premises, and I have now to say that since then the State of Louisiana, acting through its Governor and Attorney General, filed a bill against this State in the Supreme Court of the United States, styled: "The State of Louisiana, Complainant, *vs.* The State of Mississippi, Defendant," wherein the complainant seeks to have the disputed territory adjudged to be the property of that State and under the exclusive jurisdiction of its laws. The effect of such decree in favor of the complainant would, under the operations of the laws of the State of Louisiana, prohibit the citizens of Mississippi from taking fish and oysters from the waters in dispute. The said oyster reefs are to a very large extent the dependence for supply of fish and oysters to the people of Mississippi, living on the southern border of the State, who are engaged in that particular line of industry. The property in controversy is of great value, extending perhaps into millions of dollars.

"Owing to the enormous consequences to the State, which are involved in the controversy, and because also of the multitudinous and complex duties already devolving upon the Attorney General, rendering it impossible for that officer to give the necessary time, work and study which the importance of this case demands, it became imperative that assistant counsel should be employed therein. I secured therefore, Hon. Monroe McClurg, of Greenwood, Mississippi, and the firm of Dodds and Griffith, of Biloxi, Miss., to assist the Attorney General in representing the State's interests in said case, and I recommend to your honorable body suitable recognition of their valuable services and that you appropriate for the payment of their fees respectively such liberal sums as your judgment approves.

"The Attorney General's report will acquaint you with the progress made in said cause to date."

A bill passed the Senate appropriating ten thousand dollars as an absolute fee to the attorneys engaged and authorizing the oyster commission of Mississippi to contract with them for a fur-

ther sum not to exceed fifteen thousand dollars to be paid out of the revenues collected by that commission, but conditional upon the full or partial success of Mississippi in the suit and to be prorated accordingly, the fee to be divided between the lawyers as they might agree. The bill also appropriated two thousand dollars to defray the expenses, other than attorneys' fees, incurred in the case. This bill also passed the House, but weighted by a motion to reconsider. The motion prevailed and upon reconsideration the bill failed to pass. The friends of the measure and those opposed to it became involved in an embroglio over this and some other matters before the Legislature respecting the fish and oyster industries on the coast, and in the end factional and partisan feeling developed, resulting in practically a solid vote that defeated all.

After failure of the Legislature to provide an appropriation the attorneys were left no alternative but to withdraw from the case, and all of them did so. This left Governor Vardaman in the same predicament in which Governor Longino had found himself after adjournment of the Legislature of 1902. The people on the coast were somewhat exorcised over the condition of affairs, but Governor Vardaman at once assured them that he would take care of Mississippi's interest. Accordingly, a new arrangement was made with Judge Hannis Taylor and this writer to represent the State and the case went right along. Governor Vardaman took hold with a firm grip. He was also compelled, because of the failure of an appropriation therefor, to borrow \$5,000.00 for the oyster commission to carry out the duties required of it by law in planting oyster shells in the sound.

The Legislature of Louisiana met in May, 1904, while the testimony was being taken. Governor Blanchard, who had succeeded Governor Heard, made a recommendation similar to that made by Governor Longino; the Legislature of Louisiana failed to make an appropriation for attorneys' fees in this case. Conditions somewhat like those that had defeated the appropriation in Mississippi prevailed at Baton Rouge. Incidental issues thwarted every measure pertaining to the boundary case, save an insufficient expense account to the Attorney General. So it is, this cause has not only proceeded without legislative authority, but without legislative aid.



## THE TESTIMONY.

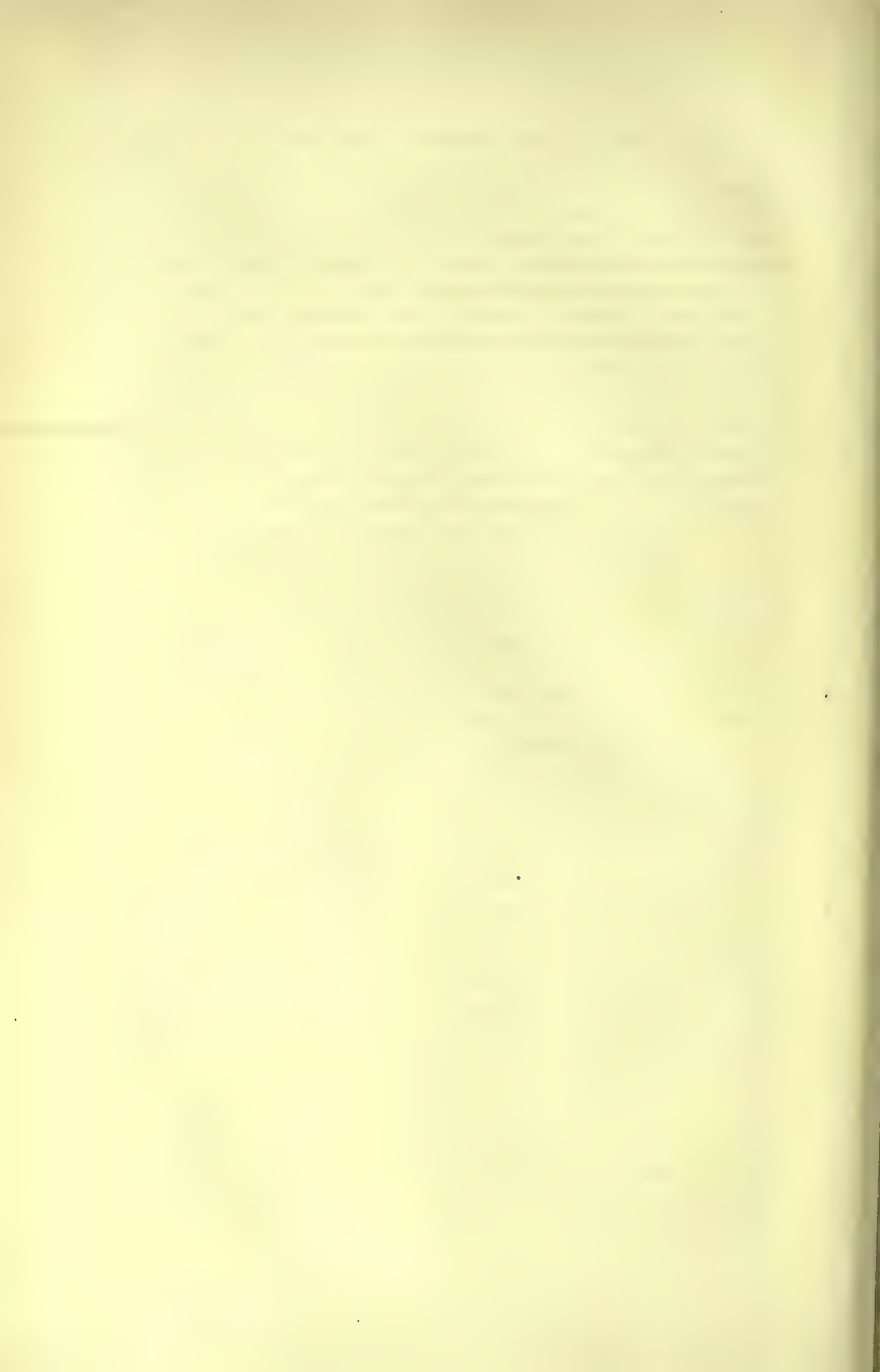
At this writing the taking of the testimony in the case has been concluded by both sides. It would be improper to discuss the evidence before the case is submitted to the court and a decretal order entered. Louisiana has examined about one hundred witnesses, and introduced something like eighty-five maps, charts and diagrams, and something over one hundred documents. Mississippi has called about eighty witnesses, put about twenty maps, charts and diagrams into the record along with something above one hundred documents. It is estimated that, aside from the maps, charts and diagrams of all sizes, ages and descriptions, the oral and documentary evidence will cover about twelve thousand typewritten pages.

Louisiana did not offer any considerable amount of oral or documentary evidence on "the deep water channel" claim, probably because her counsel regarded that a question dependent more upon the determination of the law of the case than upon the facts. Her burden has been to prove that "the marshes," from Mal-leuxeurx Point to the eastern end of Isle au Pitre, was in 1812, and even in 1817, a solid peninsula extending from the mainland eastward within the six league reach of the southern shore of Mississippi, but that since the admission of the two States this peninsula has been converted into an archipelago of numberless small islands, or segments of her mainland, by gradual subsidence of the land to below the sea level, and by action of many violent storms sweeping the Gulf in that immediate vicinity. Mississippi has held more directly to her pleading and sought by her evidence to meet the theories and facts developed by her opponent and to show sovereignty and jurisdiction, subject of course to the national and international common right, over the water-surface, bottoms and islands within six leagues of her shore since the strip of territory south of degree 31 was claimed by the United States and especially since it was occupied by American authority in 1810, and inferentially to 1763.

All of Louisiana's testimony was taken in Mr. Mortimer's office, in the custom house in New Orleans. The entire commission must acknowledge gratitude to the Biloxi Yacht Club, and the Waveland Yacht Club, of Bay St. Louis, for a most delightful place for taking most of our testimony; much of it was taken

in the Attorney General's office, in Jackson. H. Heidenheim, the cultured secretary and treasurer of the Barra Tarria Canning Factory, of Biloxi, acted as chairman of our committee on testimony, and his well directed energy in obtaining important witnesses greatly facilitated the progress of that part of the work.

This paper must stop at the beginning of taking of the testimony. At some future time it will be found that the evidence in the case is rich with historical and interesting matter. The oldest citizen that could be found, the richest and the poorest, the highest and the lowest, the wisest and most ignorant of the sister States have testified. Every phase of the case has been searched. Following the very liberal rules that the Supreme Court has adopted in such case, both sides have taken a wide range. It remains only to be said here, that Attorney General Williams and his assistant, that splendid young lawyer, Hon. James N. Flowers, whose footprints are all over Mississippi's pleadings and evidence, have shared with their associate counsel, Judge Hannis Taylor and this writer, the great pleasure of meeting and knowing the Attorney General of Louisiana, Judge Walter Guion, for twelve years a district Judge in his State, and his associates, Col. Frank C. Zackarie, the Nestor of the Louisiana bar and a veritable walking encyclopedia of law and history, and Hon. John Dymond, Jr., a vigorous young man of the most indomitable energy and a strong lawyer, as well as Mr. Alexander Porter Morse, a native of Louisiana, for some time official attorney for the District of Columbia where he now resides. It has not been my purpose to argue the case, but to state it in such a way that the salient points involved might be the better understood. It is believed that the case of Louisiana *vs.* Mississippi will take its place as one of the most interesting of all the "controversies between States" that has been presented for solution by the most superb tribunal in the world, the Supreme Court of the United States.





## CARTOGRAPHY OF MISSISSIPPI IN THE 16TH CENTURY.

BY WILLIAM BEER.<sup>1</sup>

The name Mississippi was first applied as Le Mississippi to a territory of unknown extent. That it was coterminous with that land of Louisiana which had been acquired by John Law, and the Compagnie Des Indes Occidentales; that it lay on or near the waters of the great river of the same name; that a Frenchman, La Salle, had on the bosom of the great river traversed the territory for over a thousand miles; that a Canadian, Iberville, had made a settlement on its southern shore; that a great financier, Crozat, had deemed it worthy of temporary acquisition; this was the sum of the knowledge of the first territory to which the name "Mississippi" was attached.

At this time the coast line extended from Mobile Bay to the Sabine, granting the seldom named claims of LaSalle to the point on the bay where he made his unfortunate landing, and where the first colonists died a miserable death.

In 1798 the name was officially attached to it, Mississippi consisting of the territory afterwards divided between the States of Alabama and Mississippi. This territory was cut off from the Gulf of Mexico by the still legally existing province of Florida, then nominally dominated by Spain, though actually in the hands of the government of the United States.

The possession by the United States was made official in 1812, and in 1817 the present State of Mississippi was created with a coast line from Point Aux Chenes to Pearl river.

This contribution deals with the cartography of this territory in the 16th century. For the purpose the coast alone needs consideration, although it is certain that there must have been some passing of white men inland not named or attached to any particular locality, during all the century excepting on the coast.

Until the mouth of the Mississippi was correctly located both

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<sup>1</sup> A biographical sketch of the author of this contribution will be found in *Who's Who in America*, 1903-4.—EDITOR.

the coast line and the names of localities were practically accidental. Each cartographer assumed at will a number of rivers some of them opening into estuaries of greater or less extent. From the time of Juan de la Cosa a continuous coast line from Florida to the Tropic of Cancer was assumed. The details, however, vary according to the scale of the map and the fancy of the draughtsman.

The maps of the 16th century which give geographical names are divisible into three classes.

First, the large number which are on so small a scale that only the more noteworthy names can be given. Secondly, those which in the space between Florida and the Tropic of Cancer give from six to eight names, and finally, a class which being prepared for the use of navigators adds to the eight or ten actual names words descriptive of the conformation of the coast. The earliest map in date belongs to the second class.

In the first class is the map of Peter Martyr, 1511, which gives *Isla de Beimini*, the name under which Ponce de Leon was led on to seek the Fountain of Youth, and it is repeated in an anonymous map of 1519.

The map of Da Vinci in 1515 gives to an island north of Cuba the name *Terra Florida*. Vespucci, in 1523, is the first to give this name to the mainland as *Terra Fiorita*. In the map of Thorne of 1527 appears the word *Florida* for the first time.

The first of the maps giving details is that of Torenó of 1527, the names of which are for the most part descriptive of the nature of the coast. There are, however, some which are practically permanent, retaining the same order, but having a greater or less number of descriptive terms distributed among them. These names are:

R. de Nieves,  
R. de Flores,  
Montanas de San Salvador,  
Mar Pequena,  
R. del Spiritu Sancto,  
C. de Cruce,  
R. del Oro,  
R. de Las Palmas,  
R. Hermoso.

Most of these are found in Ribero 1529, in an anonymous map, in Kunstmann of 1530, Santa Cruz 1542, Cabot 1544, Desceliers 1546, Agnese 1550, Vaz Dourado 1571, Thorne 1592, Wytfliet 1597 and Hakluyt 1599.

A few, however, of these lists include descriptive personal names which give them a character of originality. Such, for example, as the Thorne map which in close proximity to the Montanas de Salvador gives the name R. de Giles Goncalez, and the Hakluyt map which gives Las Philippinas to a promontory east of the R. de Nieves.

The examination of the maps of the 18th century will probably show that one of these names is applicable to the Bay of Pascagoula, Biloxi or St. Louis.

Material for the study of this question is provided in the collections of ancient maps by Kunstmann, Nordenskjold and Kretschmer which are to be found in the Howard Memorial Library, New Orleans.





## CHOCTAW LAND CLAIMS.

BY FRANKLIN L. RILEY.

So far as is known to the writer, no historian has given even a meager account of the unfortunate episode in Mississippi known as the Choctaw Land Fraud, a speculation second in importance only to the iniquitous Yazoo Land Fraud of almost a half century earlier. It is a notable fact that the history of the third Choctaw cession from the beginning of negotiations at Dancing Rabbit Creek to the final execution of the treaty there made is characterized by violence, intimidation and fraud on the part of the white people. A large number, if not a majority of the Choctaw Indians were bitterly opposed to this treaty, by which their nation surrendered to the Federal Government all of the lands remaining to them in Mississippi after their first and second sessions, which lands embrace about one-fourth of the present area of the State. In fact, the treaty was made with a comparatively small number of chiefs after the leading chiefs and the greater part of the nation had left the treaty grounds. Even then it could not have been effected but for the insertion of article 14. Mr. Halbert concludes a detailed account of the negotiations which led to this treaty with the following statement:

"To sum up the whole matter, it can be safely placed on record that the seductive influence of the 14th article, fear, intimidation and coercion, all more or less combined, were the causes that prompted the Choctaw councilmen to sign the Treaty of Dancing Rabbit."<sup>1</sup>

Article 14 of this treaty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him, over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States,

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<sup>1</sup> See Halbert's "Story of the Treaty of Dancing Rabbit Creek" in *Publications of the Mississippi Historical Society*, VI., 373-402.

for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."<sup>2</sup>

#### I. ORIGIN OF THE CHOCTAW CLAIMS.

Col. William Ward was appointed agent of the United States to receive and register the declarations of the Indians who desired to remain in Mississippi in accordance with the provisions of article 14. The treaty was ratified on the 24th day of February, 1831, and on the 24th day of August, following, the time limit for making these declarations expired. It seems that Colonel Ward received no instructions in relation to the duties of his office until a communication from the Department of War, bearing the date, May 21, 1831, reached him at the Choctaw agency. This allowed "less than three months for those who desired to make reservations" under article 14 to signify their intention to do so. He did not then receive instruction as to the manner in which he should execute his duty, "except that he should be careful to keep a register of the reservations \* \* \* \* \* , and that he should transmit a certified copy thereof for the information of the Department of War. The terms of the treaty were to be his only guide, all besides was left to his discretion."<sup>3</sup>

Within the time provided, he appointed several places and times for meeting Choctaw claimants to receive their applications for the benefits accruing to them from article 14. We are told that Col. Ward was "a man of intemperate and careless habits," and that "when the Choctaws applied to him, giving notice of their intention to remain on their lands, he in some cases refused to receive the application and in other cases to record it."<sup>4</sup> At the end of his term of office he transmitted to the authorities at Washington the names of only sixty-nine heads of families<sup>5</sup> out of the several hundred who were registered.

<sup>2</sup> *Amer. State Papers. Public Lands*, VII., 557. The full text of this treaty will be found in *U. S. Statutes at Large, Indian Treaties*, 333-9; also in Hutchinson's *Code of Mississippi*, 121-8.

<sup>3</sup> *Amer. State Papers, Public Lands*, VIII., 672.

<sup>4</sup> *Gales and Seaton's Register*, XIII., 853; *Amer. State Papers, Public Lands*, VIII., 432.

<sup>5</sup> A list of these names will be found in the *American State Papers, Public Lands*, VIII., 686.



Many of those whose names were not transmitted had his certificates of registration. A large number of other applications were rejected without sufficient cause. In several cases applicants were assured that their names had been properly registered, but the names so entered were not reported to the authorities at Washington, many of them having been subsequently erased or blotted out, without the knowledge or consent of the Indians concerned. In other instances the names of applicants were "written on scraps of paper, according to the advice of the said Ward," and were received by him, but afterwards torn up or lost.<sup>6</sup>

Mr. Gabriel Lincecum, a citizen of Lowndes county, who resided at that time near the agency, made the following statement, under oath:

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<sup>6</sup> *Amer. State Papers, Public Lands*, VII., 393; 627-8. The following statement of grievances is taken from a memorial addressed to the Senate and House of Representatives of the United States by several Choctaw claimants:

"On one occasion, within six months after the ratification of the said treaty, a number of your memorialists living on the Suckinatche, went forward to the said agent, at the Old Factory, to signify their intention to become citizens of the United States, and did duly and formally have their names entered in the agent's book kept for that purpose; yet few, if any, of the names so entered in said book have been reported to the War Department by said agent.

"Your memorialists further state, that there are many instances where individuals of the nation had caused their names to be entered in the book of registration and yet their names were afterwards erased or blotted out by (possibly) those who had free access to the books of the agent. These erasures and obliterations were made most certainly without your memorialists' knowledge or consent, and without the consent of any person entitled to said entries.

"Your memorialists further state, that in the month of June, 1831, being within six months after the ratification of said treaty, a large body of Choctaw Indians attended at the council house to have their names registered for the purpose of obtaining citizenship, and securing reservations according to the customs of the Indians. Unacquainted with the English language, they presented to the agent a number of sticks of various lengths, indicating how many were present, and the quantities of land to which they were severally entitled, but the agent threw down the sticks. They then selected two or three head men to speak for them, and these head men by means of an interpreter, told the agent their number, ages and names, and demanded registration; but the agent would not register them and told them that there were too many—that they must or should go beyond the Mississippi. Many of these Indians ignorantly despairing of the justice of the United States, have reluctantly removed beyond the Mississippi; they are not now among the applicants for reservations, but your memorialists think it right to furnish your honorable body with this information, that you may provide such relief as may be worthy of a great nation." (*Amer. State Papers, Public Lands*, VIII, 432.)

"I saw the representatives of some of these Indians go forward to the agent with a large bundle of sticks, as is the Indian custom, and offer to register the families thus represented; but the agent refused to receive them, and threw them away, saying that there were too many of them, and that they had sold their lands, and must go west. I have also, on various occasions, seen the agent object to register the names of Indians who went to him on purpose; I have seen him at other times register a good many names, and I have seen him put down names which afterwards could not be found on the book \* \* \* . He kept his book lying on the table at all times, free to the inspection of all who wished to look into it. I have often seen persons take the register out of the room where it was deposited, to other parts of the house, and out into the yard, and inspect it as much as they wished. I have seen it loaned out and taken off by persons. Several times the agent sent the book to my house by persons who wished to find names in it, for me to examine, he himself not wishing to take the trouble to do so. I cannot undertake to say what number of names were registered, as I never made any count; but I am certain that there must have been several hundred at least. I know that I have frequently spent one or two hours looking over it, before I could find some particular name that I was in search of \* \* \* . The agent himself was often absent from the agency during the six months allowed for registering, and in his absence, Stephen Ward had charge of the business. I have often seen him so much intoxicated that he could neither read nor write. I have seen the mail arrive when he would be too drunk to open it, and he would tell me to do it. I have often opened the mail under these circumstances; and sometimes the driver would open it. \* \* \* . Col. Ward \* \* \* . seriously advised the emigrating agents to whip such [Indians] as did not wish to go [west of the Mississippi], and force them off. \* \* \* [David Folsom] lived near the agency and was often there, and had just as free access to the books as Col. Ward himself.' He was very much opposed to any of the Indians' staying, and I always suspected that he had some agency in destroying the register of names, though I have no certain knowledge of it."

When Colonel Ward was preparing to leave the agency at the end of his term of office he sold his "goods and effects" at public auction. Gabriel Lincecum purchased at this sale "a lot of books and papers, and some sort of lumber or other." In this collection he found one of Colonel Ward's books, "in which he entered the names of the Indians." It seemed to have been used principally

<sup>1</sup> On one occasion Colonel Ward, without hesitation, permitted the register to be carried to the home of Colonel Folsom, who lived about four miles from the agency. See *Ibid.*, 694.

Col. John W. Byrn, sheriff of Lowndes county, testified under oath that he believed he had heard Colonel Folsom say that he "had scratched the names of Choctaws, &c. *Ibid.*, VII., 628.

<sup>2</sup> *Ibid.*, 690-1. These statements are corroborated by the sworn testimony of several other gentlemen who visited the agency and observed its management from time to time. The depositions of Grant Lincecum, Adam James, Reuben H. Grant, Jefferson Clements, Jno. C. Whitsett, James Oxberry, George S. Gaines, John Pitchlyn, etc., are worthy of note in this connection. See *Ibid.*, 691-6; also *Ibid.*, VII., 627-652.

for entering the names of orphans, but upon comparing it with the general book in the office at Columbus, Mr. Lincecum found that the names had not been transferred, "with the exception of one or two, which may have been elsewhere given in."<sup>9</sup>

June 26, 1833, George W. Martin was appointed by the President "to locate all reservations under the 15th and 19th, as well as the 14th article of the treaty." He was notified of his appointment and received his instructions on the 5th of August following. By the latter he was directed to apply to Colonel Ward and Capt. Wm. Armstrong at the old agency for copies of the registers of each class of reservations under the treaty, and to make them the guide of his conduct in assigning and making reservations. Upon application to these gentlemen on the 11th of September, 1833, he was informed that he could not be furnished with perfect copies of the register. He was supplied, however, with two lists, one of which was certified by the agent and contained the names of sixty-nine heads of Choctaw families who had signified their intention to become citizens of the State according to the provisions of article 14. Colonel Martin makes the following statement relative to these lists:

"The uncertified list contained twenty names which were not on the certified list, and the certified list contained twenty-three names which were not on the uncertified list. The other names, about fifty in number, were the same on both lists. The names and numbers of the children also varied. These lists were each of them written on a sheet of letter paper, and fastened to the back part of the register of claimants under the other articles of the treaty. \* \* \* \* \* I understand from him [Colonel Ward] \* \* \* \* \* that he would not vouch for their correctness, and had taken no particular care of them. I got the impression that a part of the register had been lost; but whether Colonel Ward stated it specifically or not, I am unable to say."<sup>10</sup>

Colonel Martin informed the Department of these facts without delay and requested copies of the registers which Colonel Ward had transmitted to the Department. In the meantime the emigrating agent with his sub-agents was preparing to carry a company of Indians out of the State. Finding that he could not persuade them to leave their homes, "he used all kinds of threats, and told them if they did not go, the soldiers would soon come with their muskets and drive them off." Their fears having

<sup>9</sup> *Amer. State Papers, Public Lands*, VII., 630-1.

<sup>10</sup> *Ibid.*, 676.



been quieted by some of their friends among the white people, they remained at their homes, except in certain cases "where white settlers would drive them off and take possession of their houses and lands." We are told that those who occupied good lands generally met with this fate.<sup>11</sup>

On the 8th day of September, 1833, Colonel Martin received official notice from the Department of War that the President had determined to offer the lands which had been ceded by the Treaty of Dancing Rabbit for sale on the 21st day of October, following. He was instructed to complete and enter in the proper land offices before that time the locations of all the reservations provided for in the treaty. As the region of country in which these locations were to be made "extended three hundred and fifty miles in one direction, and one hundred and fifty in the transverse direction," and the means of communication between the different sections were at that time difficult and uncertain, one can easily imagine the impossibility of complying with this order. In addition to this the locating agent, Colonel Martin, was confronted by several hundred claimants whose names were not on the register, but who were able to produce convincing evidence of their having complied with the law and of the justice of their claims. His tasks were rendered still more difficult because of the fact that there were six distinct land offices, at each of which some entries were to be made.<sup>12</sup> These offices were situated at great distances from each other. The report of the Committee on Indian Affairs made to the Lower House of Congress on May 11th, 1836, upon which the statements given above are largely based, contains the following account of the perplexing situation in which Colonel Martin was placed:

"When it is recollected that the public sales were to commence within less than three months from the time at which the locating agent was advised of his appointment, and in less than two months of the time that he was notified that the lands were to be brought into market, it will appear that the agent could not have complied with the expectations of the Government in completing his duties under the several articles of the treaty granting locations, even if he had been furnished with the registers and other useful information. But it appears that the locating agent was not furnished with maps or plats of survey of any of the districts or sections of the country within which it was made his duty to

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<sup>11</sup> *Ibid.*, 635.

<sup>12</sup> These offices were at Chocchuma, Columbus, Clinton, and Augusta in Mississippi, and Tuscaloosa and Demopolis in Alabama.

make the numerous locations required by the treaty; and after having waited in vain for copies from the General Land Office, which had been promised him, he was again disappointed in his application to the office of the surveyor-general of the district, and to the several land offices in the same. Finally, he was informed that he was expected to make such use as he could of the plats in the several registers' offices, as his only resource in this respect. It also appears that no copies of any of the registers returned by Colonel Ward to the War Department were received by the locating agent until within three days before the commencement of the public sales, and even then no copy was received of the register under the 14th article."<sup>13</sup>

The difficulties of the situation were communicated to the Department by Colonel Martin, who "pointed out the great injustice and embarrassments which would arise, if no other reservations should be withheld from sale, than such as could be satisfactorily and finally ascertained and located." He proceeded to locate the reservations of all heads of families whose names appeared on Colonel Ward's certified lists and of those who produced Colonel Ward's certificates that they had made the proper declaration in due time.<sup>14</sup> All other applicants were informed that they could not be allowed reservations. In the meantime the newly acquired territory was being rapidly surveyed and the lands placed on the market. These sales were made, however, subject to the condition, expressed in the proclamation of the President, "that if any reservation secured to any Indian by the treaty should be sold, such sale would not be confirmed."

September 10, 1833, the registers at the different land offices were instructed to withhold from public sales such tracts or portions of the land so proclaimed to be sold at their offices, as the United States agents for locating the reservations on behalf of the Choctaws shall indicate to them as necessary and proper to be withheld from sale, in order fully to carry into effect the intentions of the treaty.<sup>15</sup> A similar order was addressed to the locating agent by the Department of War, on September 27, 1833.

Colonel Martin published in his "rules and regulations to be observed in presenting claims under the treaty" that he would open offices in each land district as follows: In the northwestern

<sup>13</sup> *Amer. State Papers, Public Lands*, VIII., 672-3; see also *Ibid.*, VII., 1-37.

<sup>14</sup> *Amer. State Papers, Public Lands*, VII., 627; VIII., 388-9.

<sup>15</sup> *Ibid.*, 392.

district, at Elliott; in the northern district, at Columbus; in the Augusta district, at Augusta; and in the Mount Salus district, at Clinton. All applicants were instructed to appear before the proper person within their respective districts and make applications in due form "prior to the day of sale."<sup>16</sup> He then appointed the following assistants to represent him at the different offices: William Dowsing, Esq., at Columbus; William Howze, Esq., at Augusta; R. H. Sterling, Esq., at Elliott, and George B. Dameron, Esq., at Mount Salus. They were "authorized to receive, and place on file for registration, all such claims as may be presented, and come under the rules prescribed."<sup>17</sup>

Complaints from Indians who were denied reservations by the locating agent became so numerous that on October 11, 1834, the Department of War, under the direction of the President, issued the following orders to Colonel Martin, the locating agent:

"You will give public notice, that persons who consider themselves entitled to reservations under the 14th article, and whose names are not upon the register of Colonel Ward, will exhibit to you the evidence in support of their claims. This evidence must show that they were citizens of the Choctaw nation, heads of families, and did signify their intention to become citizens within the time prescribed by the treaty. It must also show the time of their application to be registered, and the conversation and circumstances relating to it."<sup>18</sup>

In all cases in which the lands claimed had been sold, the locating agent was directed to designate other lands "of equal dimensions and of as nearly equal value as practicable." The claims located under these instructions were to be reserved from sale, it being expressly stated that these locations were contingent and would become valid and absolute only by the confirmation of Congress. The agent was especially directed to transmit in time "for the action of Congress at its next session, detailed reports showing the names, standing, and credibility of the witnesses, and all the circumstances in each case."<sup>19</sup>

The announcement of the land sales greatly alarmed the Indians, since they were told by many of the white people that their land would then be sold. They began to employ counsel and to

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<sup>16</sup> *Ibid.*, VII., 12-13.

<sup>17</sup> *Ibid.*, VII., 15.

<sup>18</sup> *Ibid.*, 393.

<sup>19</sup> *Ibid.*



apply to the Government for relief and aid. This brought into their midst a horde of voracious speculators and adventurers, who resorted to illegal means for establishing claims. The locations made prior to December 24, 1834, under the instructions of October 13th, with the accompanying evidence were submitted to Congress by the President on February 9, 1835.<sup>20</sup> These documents were referred to the Committee on Indian Affairs in the Lower House, and a bill was reported to that body "providing for a more full and satisfactory investigation of the claims." The provisions of the bill were not, however, fully carried out. On the 11th of March, 1835, the Department of War addressed a communication to Colonel Martin informing him of the failure of Congress to act upon the claims which had been transmitted and directing him to make another report on "the locations he *had* made, and those he *might* make, under the instructions of the 13th of October," so that it "might be laid before the next (present) Congress." This last communication reiterated the assurance "that the lands located should be reserved from sale until Congress should act upon them." Colonel Martin, acting under these instructions, made contingent locations for five hundred and twenty heads of families, covering by estimation, 615,686 acres; and forwarded to Washington the evidence upon which they were based.<sup>21</sup> Many of the Indians deciding that they could not get their claims recognized, left the country in despair. A large number of others remained, however, hoping to be allowed to spend the remainder of their days in the land of their fathers.

## II. CHOCTAW LAND COMPANY.

Prior to the first sales at Chocchuma and Columbus little attention seems to have been directed to the "floating claims." These claims arose from the precipitate action of the President in placing the lands on the market before the proper and just reservations had been made for the Indians, under article 14 of the treaty. The Indians then filed claims for other lands in lieu of those to which they were entitled. These claims were known

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<sup>20</sup> *Ibid.*, VII., 627.

<sup>21</sup> *Ibid.*, 927.

as "floating claims." After the first sales at Chocchuma and Columbus in November and December, 1833, the representatives of several companies came before Colonel Martin, the locating agent, in behalf of Indian claimants. This was the beginning of a new development. During the next two years these agencies were actively engaged in their efforts to gain the confidence of the Indians with a view to getting entire control of their claims. They agreed to prosecute these claims for one-half of such claims in absolute property, and for one dollar and a quarter (the minimum price of public lands as fixed by the government) for the other half when recovered. It is said that they took, in many cases, irrevocable power of attorney to locate these claims, and to sell and dispose of the half promised to the Indians, in any manner and at any price the agents might think proper. Agents of these companies in the State and beyond the Mississippi produced documents purporting to give them power of attorney to select and dispose of the lands which they might acquire for Indians who had not complied with the terms of article 14 and whose claims were therefore wholly fraudulent.

These facts quickly aroused the indignation of the public and led to widespread denunciations of the companies and the final defeat of their schemes. It is therefore impossible to tell the number, corporate titles or membership of all of them. Two of them were known by the following titles: "Johnson, Davis & Holser" and "Wright, Fisher & Co." In November, 1835, the existence of a large company, probably formed by the combination of several smaller companies, became widely known. It attempted to popularize the organization and win public favor by adding to its membership a large number of the most influential men in the counties where it intended to carry on its operations. In order to paralyze the energies of other persons whose opposition it had reason to fear, it distributed many written contracts "agreeing to convey a quarter section to each settler who would not attempt to prevent the passage of the claims." A public meeting was held on the subject, "at which several of these instruments were publicly read, and commented upon." One man after another pulled his certificate from his pocket and tore it up, stating that "he has been induced to believe that it would secure to him a quarter-section of land; that he had been deceived,

and signed an agreement which he did not consider binding; that after hearing the frauds exposed, he had determined to oppose the claims with all his might." The speculators failed to unite in one corporation, as they had done two years earlier, and the number of companies multiplied rapidly. A representative of one of them stated to Stephen Cocke, a member of the Upper House of the State Legislature to whom he tried to sell part of his spoils, that his company had obtained about two thousand sections, that "the company was to have one-half of the land, if they succeeded, for their trouble," and that it would be divided among the members. A few shrewd speculators then conceived a scheme to procure from the Indians the half of the claims that would be left to them after paying for their location. A new company was accordingly organized for this purpose. Although the promoters of this new enterprise were informed that the Indians had granted to the companies prosecuting their claims "an irrevocable power of attorney to sell for the Indians the half retained for them," they contended that "the sale of [by] the Indian himself would be good." A committee agreed to examine into the matter, and see if "anything profitable could be done." It was also agreed "if it was found safe, that contracts should be entered into with the Indians for their lands, if those who should personally attend to the matter should think it proper to do so." This committee engaged the services of an interpreter and made some contracts, but the number and nature of them cannot now be ascertained.<sup>22</sup>

### III. REMONSTRANCES AND PETITIONS.

Many citizens of Mississippi, foreseeing the fraudulent claims which would develop, if the Government should delay action, insisted upon a prompt settlement of these claims. Samuel Gwin, register of public lands, wrote several letters to the Commissioner of the General Land Office at Washington relative to the subject. In the first of these communications, written at Chochuma, Miss., on May 5, 1835, he says, among other things:

"This delay of bringing the public lands in the Choctaw purchase, into market, is the *hot-bed* that will bring forth thousands of fraudulent claims

<sup>22</sup> See testimony taken by a committee of the Legislature of Mississippi in *Amer. State Papers, Public Lands*, VIII., 507-9.



under the treaty; and you need not be surprised if it does not forever supersede another public sale, by sweeping off some six or seven hundred sections of the choicest lands, by claims *coined* to suit the times. By pushing the lands into market, they are prevented from maturing their plans, and carrying them into effect. But here is time given them to gather a head of water, and it will not be lost to them."<sup>23</sup>

Two days later Captain Gwin addressed another letter to the same official in which he refers as follows to these claims:

"They are held by speculators and not by Indians—have been purchased at reduced prices, and the assignees were, at the last session, lobby members in Washington; \* \* \* \* \* these lands are worth *fifty times* as much as the lands the Indians *pretendedly* lived on. \* \* \* \* \* There is no justice in their *floating* from the poor pine lands, east of the Yala Busha, to the richest river lands on the Mississippi. \* \* \* \* \* I have seen enough to know that anything can be proved where the *rich river lands* are in view."<sup>24</sup>

In a third communication, dated November 24, 1835, Captain Gwin wrote as follows to the authorities in Washington:

"Hordes of Indians, who have all *claim cases*, are now conjured up, and, under pretended purchases, a set of ravenous speculators are carrying everything before them.

"Already have they blown up the sales at Columbus, and, after devouring that carcass, they have commenced here; and I was told this evening that they would take all the valuable land in this district.

"I have reflected but little on the subject, but that little has brought me to the conclusion to go on and offer the lands as offered in the proclamation. If I do finally adopt this course, I will fully and explicitly give my reasons, and I am fully satisfied they will at least satisfy you that I am solely governed by the public good.

\* \* \* \* \*

"The subject deserves the serious consideration of Congress, as *several* of that body are either directly or indirectly interested in these claims, whose influence, with the perseverance and importunities of the claimants as lobby members, will, I fear, have the effect of forcing them through without reflection or a strict regard to the interests of the United States."<sup>25</sup>

October 20, 1835, a letter was written to the Commissioner of the General Land Office from Augusta, Miss., informing him that a certain John Johnson, Sr., who styled himself the "Agent and Attorney in fact of the Choctaw claimants" had taken the testimony in favor of a hundred or more claims, most of which were believed to be "of a suspicious character," and he had cautioned all persons against purchasing certain lands which were claimed by his clients.<sup>26</sup>

<sup>23</sup> *Ibid.*, 394.

<sup>24</sup> *Ibid.*, 394-5.

<sup>25</sup> *Ibid.*, 396.

<sup>26</sup> *Ibid.*, 395-6.

To these communications from the northern and southeastern parts of Mississippi another is added, similar in tone, though less spirited in expression, from the register of the land office at Mount Salus (Clinton), in the central part of the State. He wrote among other things as follows :

"I am induced, from the reports I have heard, to believe that about three millions of dollars of the public domain are at stake and dependent on the action of Congress with regard to these floats; and I deem it very expedient that proper information be laid before the Executive and before Congress, before any action is had thereon. I am informed that the common course of procedure with those floats is to submit the testimony of the claimant and his witnesses to the locating agent upon which the location is made, thereby leaving it possible, and even probable, that neither the applicant nor his witnesses are known to the agent; and perhaps the person producing the papers is also unknown to him. \* \* \* \*

"The report of these locations has latterly taken such a wide spread, that I fear the public must suffer much for want of bidders; numbers deeming it unnecessary to attend, being unwilling to purchase the refuse and back lands after all the valuable fronts are reserved."<sup>27</sup>

In two identical petitions, one of which contained fifty-five signatures and was communicated to the Senate,<sup>28</sup> the other, ninety-one signatures and was communicated to the House of Representatives,<sup>29</sup> in January and February, 1836, it was positively charged that these speculators had caused "to be set apart for them the choicest lands in the country, sweeping over large districts inhabited and cultivated by persons who settled the public lands on the faith of the policy of the Government, indicated by the passage and renewal of preëmption laws at almost every session of Congress, that their homes would be given them at a reasonable price, unexposed to the heartless grasp of the voracious speculator." To these statements were added the following:

"To the alarm of your memorialists, these claims have now amounted, as they are informed to upward of three thousand, which had an average of 1,280 acres each, amount to the enormous aggregate of three million, eight hundred and forty thousand acres; and the said speculators, availing themselves of the panic which these operations have produced, are now selling out, receiving a portion of the price in ready money, which they refuse to become bound to refund, in the event that the title is not confirmed, thus securing to themselves large fortunes, without having advanced to the Indians one cent, so far as your memorialists are informed and believe.

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<sup>27</sup> *Ibid.*, 396.

<sup>28</sup> *Ibid.*, 337-8.

<sup>29</sup> *Ibid.*, 430-1.

"Your memorialists are persuaded that not more than one out of twenty claims are founded in justice and equity, and if scrutinized by a tribunal sitting in the vicinity of the land offices, with competent powers to reject or confirm, and to compel the attendance of witnesses, those honestly claiming would be secured in their rights, and the most stupendous system of fraud on the Government would be exposed and defeated."<sup>80</sup>

On February 24, 1836, a "remonstrance of the citizens of Mississippi against the manner of executing the fourteenth article of the Treaty of Dancing Rabbit Creek with the Choctaw Indians" was communicated to the Senate of the United States. It was signed by seventy-six citizens of the State. Among other things, it contained the names of twelve Indian claimants who, "through certain agents," were endeavoring to hold lands that had been located for them by Colonel Martin under Article 14, although many of them had long before that time left the State and were then residing west of the Mississippi. The remonstrance ends with the following request:

"Your memorialists therefore pray, either that a special commission may be appointed, with power to enforce the attendance of witnesses, or that said question may be reduced to some tangible form, and referred to the courts of the country for investigation, or such other measures adopted as may insure an impartial investigation of the above-named claims."<sup>81</sup>

To this document was affixed the sworn statements of two citizens to the effect that certain claimants had assumed the names of Indians who had gone west of the Mississippi River, after being duly registered.

#### IV. FIRST LEGISLATIVE INVESTIGATION AND MEMORIAL.

In January, 1836, the Legislature of Mississippi appointed a "select committee," on the part of the House, to investigate the "frauds charged to have been committed under the 14th article of the Treaty of Dancing Rabbit creek."<sup>82</sup> The testimony taken

<sup>80</sup> *Amer. State Papers, Public Lands*, VIII., 431.

<sup>81</sup> *Ibid.*, 498-9.

<sup>82</sup> The Jackson correspondent of the *Vicksburg Sentinel*, wrote, February 1, 1844, as follows:

"On the eighth of January, 1836, Mr. Jones, of Lowndes county, now an influential member of the Whig party, introduced a preamble and resolutions denouncing these claims and the speculators engaged therein as fraudulent and corrupt. They were referred to a select committee consisting of Messrs. Jones, Gholson, Bingaman, Harris and Howard. Subsequently Gen. Dunlap, of Hinds county, was added to the committee, which committee was empowered to send for persons and papers. Numerous witnesses of high standing were examined; and the committee re-



by this committee and reported to the House is given in the *American State Papers, Public Lands*, Volume VIII., pages 507-9. It embraces the sworn statements of Colonel William Ward, Judge S. J. Gholson, G. W. Bonnell, and the following members of the Legislature; Colonel James Ellis, of Neshoba county; General Sam Dale, of Lauderdale county; William Dodd, of Attala county; Isaac Jones, of Winston county; Colonel John H. Horne, of Wayne county, John C. Thomas, of Jasper county; General Stephen Cocke, of Monroe county, and General Thomas P. Falconer. The testimony of these gentlemen substantiated beyond a doubt the fact that gross frauds had been practiced upon the Government. The State was interested in suppressing frauds, since they placed a large amount of the public domain beyond the reach of honest citizens and deprived it of a large amount of revenue which would accrue to it through a five per cent fund which the general government had promised from the sale of the public domain. The following facts relative to these frauds were developed by this investigation in addition to many which have been given in other parts of this paper:—The agent of one of the speculators was seen "at ball plays, surrounded by several hundred Indians, making their marks for them on blank sheets of paper, and apparently taking the number of their children, when the Indians themselves did not touch the pen;" and the Indians, when this was going on, had no interpreter. One speculator had located two hundred and fifty sections of land under fraudulent claims, had sold one hundred and fifty thousand dollars' worth of claims before leaving for Washington "to get his claims confirmed by Congress." The same speculator, who entered upon this business without any capital whatever, had stated that he "expected to clear six

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ported back to the House the original preamble and resolutions, with a resolution that the evidence that had been taken *sustained all the charges of fraud*. Mr. Augustus, of Noxubee, moved the reception of the report, which was agreed to. Subsequently the committee were authorized to take additional testimony, and shortly after *reported* the same preamble and resolutions. Mr. S. S. Prentiss called for the reading of the additional testimony, after which Mr. Bingham moved that the preamble and resolutions be engrossed and read a third time; and the question upon their passage being put, *every member voted in the affirmative*, except Armat, McCaskill, Scott and Wilkinson, who were absent from indisposition, or excused by the House. They afterwards passed the Senate, I believe unanimously." (See *Vicksburg Sentinel* of Feb. 4, 1844.)

thousand dollars by the operation." Some speculators had been enabled to get in certain instances two reservations for one Indian, by varying the spelling of his name; some of the Indians who had gone west of the Mississippi had been brought back for the purpose of putting in their claims contrary to the stipulation of article 12; at least one speculator advocated the view that "when the general Government left the door open to fraud, it was no harm to make use of it." Efforts had been made to bribe and intimidate a member of the Legislature who was disposed to advocate a measure to bring the frauds before Congress. It was hoped and believed by some of the speculators that if let alone, they would be able to get titles to land for all the Indians who could prove that they were in the State six months after the treaty "whether they had been registered or not." One of the principal speculators had stated that he believed the lands would cost his company about ten cents an acre. Several Chickasaw Indians were located as Choctaws.<sup>88</sup> In the light of these facts the Legislature felt constrained to pass the following resolutions:

"WHEREAS, The United States did, by a certain treaty held and made with the tribe of Choctaw Indians, residing for the time being, within the limits of the State of Mississippi, to wit: The Treaty of Dancing Rabbit Creek, made and concluded, on the twenty-eighth day of September, A. D. eighteen hundred and thirty.

"AND WHEREAS, By the 14th article of said treaty certain reservations of land were granted, to such Indians as should remain on said land, for five years, next succeeding such treaty.

"AND WHEREAS, Such claimants were, by the 14th article in the treaty referred to, compelled to signify their intention of claiming, under the provisions of said treaty, within six months after the ratification thereof, or forever forfeit the right thus acquired.

"AND WHEREAS, It appears, from recent developments, that large claims to lands have been preferred, conveying the richest and most valuable portions of the unsold Choctaw lands, and purporting to be founded on and growing out of, the treaty above referred to, and on a part of which lands, thus claimed, no Choctaw Indian either does now, or ever did, reside.

"AND WHEREAS, It is evident, from the face of the case, that these claims are manifestly unjust, in their character, oppressive in the result of their operation on the freemen of Mississippi, and calculated to secure no ultimate benefit to the Indians originally claiming, but, in their consummation, will have a direct tendency to impair the confidence, which the good people of this State have in the correctness of the law, and in the honesty of the administrators of our public institutions.

"AND WHEREAS, This most iniquitous transaction, will, if consummated, not only rob Mississippi of her just and inalienable right, to her five per cent on the amount which ought to accrue from the large portion of valuable land thus reserved.

"AND WHEREAS, This body has satisfactory evidence of the fact, that a

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<sup>88</sup> *Amer. State Papers, Public Lands, VIII., 507-9.*

large portion of the claims to said land, under the provisions of the treaty already referred to, are set up, and attempted to be sustained on the testimony of Indians, who are unacquainted with the nature of an oath, and utterly regardless of the obligation thus incurred, and on the testimony of other individuals wholly unworthy of the confidence of a moral and intelligent community.

"AND WHEREAS, The permission of such abandoned and licentious profligacy, would injure our community, disgrace our social and political compact; and license corruption and perjury to stalk at large through our land; now, therefore,

"*Be it Resolved by the Legislature of the State of Mississippi*, That our Senators in Congress be instructed, and our Representatives requested, to use the most speedy and efficient means, to prevent the consummation of such said titles to said lands, as have originated in fraud, to the end that the aforesaid land may be disposed of, in the regular way, and in accordance with the law in such case made and provided.

"*Resolved*, That his Excellency, Charles Lynch, be requested at as early a date as may be possible, to furnish our Senators and Representatives in Congress, with a copy of the foregoing preamble and resolution, and with the testimony taken thereon, with a request that they lay the same before both branches of Congress."<sup>84</sup>

#### V. CONGRESSIONAL INVESTIGATIONS.

In March, 1834, a Senate committee was appointed at the instance of Senator Poindexter to investigate, among other things, the conduct of the officials who had charge of the sales of lands acquired by the Treaty of Dancing Rabbit and the frauds alleged to have been perpetrated by the Chocchuma Land Company. As this investigation was conducted largely for political effect, it resulted in no permanent good to the Government or to the Indians. Upon the recommendation of the committee its report was referred to the President, on March 3, 1835. On June 1, 1836, the President submitted to the Senate the reply of Colonel Gwin, Register at Chocchuma, to the strictures in the report of the committee upon his official conduct and the address of Mr. Walker, a representative of the Chocchuma Land Company, issued to the people of the United States in defence of its actions.<sup>85</sup>

The applications of Indian claimants, the petitions and remonstrances of citizens and the memorial of the Legislature of Mississippi with accompanying documents were duly presented to Congress and referred to appropriate committees. On March 22,

<sup>84</sup> *Session Acts of Mississippi*, 1836, 105-7. See also *House Documents*, No. 202, 24th Cong., 1st Sess.

<sup>85</sup> The reports of the Senate committee accompanied by depositions will be found in *American State Papers, Public Lands*, VII., 448-507; 732-772. The defense of Samuel Gwin and the address of Robert J. Walker will be found in *Ibid.*, VIII., 711-788.



1836, Judge Black, Senator from Mississippi, made a report from the Senate Committee on Private Land Claims, sustaining the views of the Legislature of Mississippi and pronouncing the claims, and especially the contracts made with the Indians, fraudulent. This report contains the following statements, which seem to present a phase of the question not hitherto discussed:

"The granting of other lands, in the place of those sold, would be in the shape of an indemnity, it not now being possible to obtain that to which they suppose they were entitled. Under these circumstances the Executive has not the power to allot other lands to them any more than he has to indemnify other individuals who have equitable claims on the Government, on account of land claims, out of the public domain. Applications therefore made to Congress, and the question is, in what way (admitting the claims to be equitable), and to what extent ought indemnity be granted. If these individuals were entitled to lands sold, other lands in lieu of them cannot be a matter of *right*; a just compensation is all that can be claimed. Compensation in money has frequently been made for lands sold by the Government, to which citizens were entitled. The committee, after considering all the facts and circumstances attending the whole transaction, do not hesitate to recommend that course in case any of these claimants can hereafter show they have equity."

The report concluded with the following resolution:

"*Resolved*, That it is not expedient to grant so much of the prayer of the petition and memorials as prays for the creation of a board to determine on the claims to reservations under the late treaty with the Choctaw Indians, at Dancing Rabbit, of 27th September, 1830.

"*Resolved*, That all claims hereafter presented to Congress, under the 14th article of the treaty, which may appear to be just, and where the land claim has been sold, a compensation should be paid in money."<sup>86</sup>

Two weeks after this report was submitted, Colonel Andrew Hayes laid before Congress, as counsel for the claimants, a paper "seldom equaled for clearness of detail and cogency of argument."<sup>87</sup>

The Lower House of Congress seems to have assumed toward these claims an attitude very different from that assumed by the Senate. The subject was first brought before that body on February 6, 1835, by the President in the form of a report from the Secretary of War, containing the evidence of claims procured by Colonel Martin and the locations made by him. The report was referred to the Committee on Indian Affairs.<sup>88</sup>

On February 1, 1836, Colonel J. F. H. Claiborne, of Missis-

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<sup>86</sup> *Amer. State Papers, Public Lands*, VIII., 564-6.

<sup>87</sup> See *Mississippi Free Trader* of Sept. 16, 1843.

<sup>88</sup> *Gales and Seaton's Register*, XI., Part I., 1249-50.

issippi, submitted to the Lower House of Congress "a memorial from certain mingoes of the Choctaw nation, remaining in the limits of the State of Mississippi, praying a grant of unappropriated lands in lieu of those to which they say they were entitled under the 14th article of the Treaty of Dancing Rabbit Creek, and of which they declare that they have been unjustly deprived; also a memorial or remonstrance of a numerous and respectable portion of his constituents against the validity of these claims, denouncing the whole proceeding as fraudulent, and calling on Congress to protect them in their settlement and rights, and the country against the most stupendous fraud that was ever set on foot." Upon submitting these documents, Mr. Claiborne made the following remarks:

"Whether we consider the magnitude of the claim, the respectability of the parties, or the deep and absorbing interest felt in the State of Mississippi, the subject is alike worthy of a full and fair investigation. On one side are these Choctaw claimants, their agents, and assignees, citizens of different States, of every political party, and many of them gentlemen of the highest respectability, upon whose integrity heretofore not one shadow of suspicion has ever rested, and who come here, not shrinking from, but, as they say, seeking investigation. On the other side are many of the settlers of the State of Mississippi, a valuable class of men, entitled to the highest credit, and claiming justice at your hands. \* \* I candidly confess \* \* \* to the House that, if I have any prepossession, any prejudice, any conviction on the matter, it is against these claims. Whether just or unjust, if they be confirmed, the fairest portion of Mississippi will be desolated; the stability of property will be shaken; the tide of prosperity will be rolled back, and hundreds of my best constituents, the men who support their Government, and fight its battles in war, will be driven from their homes to other and distant lands."<sup>39</sup>

These documents were referred to the Committee on Indian Affairs, of which Mr. Bell, of Tennessee, was chairman.

On April 29, 1836, Mr. Bell reported a joint resolution, providing that so much of the public lands acquired by the Treaty of Dancing Rabbit Creek as had been conditionally or otherwise located by the locating agent to persons claiming reservations under Article 14 be withheld from public sale until the further order of Congress.<sup>40</sup> When this resolution reached the Senate, May 6, 1836, the Committee on Private Land Claims reported an amendment, striking out the words "until the further order of Congress," and substituted therefor the words "from the first

<sup>39</sup> Gales and Seaton's *Register*, XII., Part II., 2466-7.

<sup>40</sup> Gales and Seaton's *Register*, XII., Part III., 3461.

day of June until the first day of December."<sup>41</sup> This amendment was passed, and as the House would not agree to it the bill was lost.

On May 11, 1836, Mr. Bell submitted a report from his committee, recognizing very clearly the equities of the Indian claims, and asserting the duty of the government to protect the claimants against the rapacity of the white man. This report expressed the just and equitable view that "all contracts entered into before the title is perfected by patent, should be regarded as wholly void." It stated further that,

"Most of the Indians are grossly ignorant; and having once despaired of their claims, it is very probable that but few of them possess the intelligence and energy to have asserted them if they had not been prompted and assisted by the interested activity of white men, nor ought the interference of these white men, or their lucrative expectations to prejudice any claim which is otherwise well supported. It is the duty of government, while it does justice to the Indians, in allowing them reservations in all cases when they can bring themselves clearly within the provisions of the 14th article to provide also that they shall not become the victims of their own improvidence, as far as the Government has the power to shield them. \* \* \* \*

"The committee, after a full and careful consideration of the subject, are unanimous in the opinion that the most safe and satisfactory plan which can be adopted for the examination and adjustment of those claims, will be to institute a commission to take the evidence for and against them, in the several land districts in which they originated. \* \* \* \* The committee are also decidedly of opinion that the decision of the commissioners should be final."<sup>42</sup>

Mr. Bell then introduced a bill embodying the recommendations of the committee.<sup>43</sup> When this bill reached the Senate, Mr. Walker, of Mississippi, moved to amend by striking out the whole of it, and inserting in lieu thereof a provision appropriating \$30,000 in addition to the sum already appropriated, for the removal of the Choctaw Indians now in the State of Mississippi to the west of the Mississippi river.<sup>44</sup> The bill was laid on the table and the matter was not disposed of until the next session of Congress.

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<sup>41</sup> *Ibid.*, 1412.

<sup>42</sup> *Amer. State Papers, Public Lands*, VIII., 675-6; Gales and Seaton's *Register*, XII., Part III., 3615-7.

<sup>43</sup> A copy of this bill will be found in the *Woodville Republican* for June 25, 1836.

<sup>44</sup> Gales and Seaton's *Register*, XII., Part II., 1936.



## VI. FIRST CHOCTAW COMMISSION.

A bill was finally approved, March 3, 1837, providing for a commission to investigate these claims and to report their opinions on the same and "the proofs applicable to each case." The act also provided that nothing contained therein "shall be so construed as to sanction what is called contingent locations, which have been made by George M. Martin, for the benefit of such Indians as were supposed to have been entitled to other lands, which have been sold by the United States; such contingent locations having been made without legal authority; <sup>45</sup> it being the true intent of this act to reserve to Congress the power of doing that which may appear just when a correct knowledge of all the facts have been obtained."

An amendment proposed by the Senate and concurred in by the House, limited the existence of the commission to the first day of March, 1838.<sup>46</sup> The commissioners were duly appointed and entered upon the discharge of their duties. The newspapers of Mississippi contain only a few references to the work of this body. The following statement is taken from the *Columbus Democrat*, of May 19, 1838:

"The Choctaw commissioners have just closed a laborious session of six months. Governor Vroom and Mr. Murray, accompanied by their secretary, Mr. Pinckney, left Columbus on Thursday morning. Mr. Barton started a few days in advance. They have investigated 261 cases; we learn that nearly 1,000 yet remain to be disposed of. The commissioners have labored with untiring diligence; the testimony and affidavits occupy several reams of closely written matter."

As the term of its existence expired before it had finished with scarcely more than a fourth of the cases submitted to it, this commission did little to solve the perplexing problems involved in these claims. Its report was, however, decidedly favorable to the claims. Richard M. Gaines, a federal attorney, attended some of the sessions of the board and was anxious to inquire into the nature of the contracts alleged to have been made between the speculators and the Indians, but the board decided that, under

<sup>45</sup> The full text of this act will be found in Gales and Seaton's *Register*, XIII., Part II., Appendix 24; also in the *U. S. Statutes at Large*, V., 180-1. Colonel Martin made a very satisfactory reply to this implied stricture on his conduct.

<sup>46</sup> *Ibid.*, 872.

the law, it had no jurisdiction over the question. As it was merely a board of inquiry, it rendered no judgments, but simply transmitted the testimony taken to Washington. After this inadequate and futile effort on the part of Congress to gain sufficient information upon which to act, the matter was dropped for the time, and none of the claims reported by the board were acted upon.

#### VII. SECOND CHOCTAW COMMISSION.

When the Hon. T. Hartley Crawford took charge of the Indian Bureau he urged upon Congress the importance of a prompt and final adjudication of these claims. In accordance with his recommendations the act of 1842 was passed, creating a new commission and conferring upon it in addition to the powers of the old commission the powers of a Court of Judgment and Records.<sup>47</sup> The Hon. J. F. H. Claiborne, of Mississippi, and Col. Ralph Graves and William Tyler, of Virginia, (brother of the President), were appointed commissioners. They were required to make a thorough investigation and render judgment on each case, subject to the supervision of the President of the United States.

Under the rules adopted by the commissioners each Indian claimant was brought before it (if he was living) with all the members of his family. He was measured, and the scars or peculiarities of his face were noted in order to prevent imposition. He then stated his case, was cross-examined and fully identified by a competent witness. The number and ages of his children at the date of the treaty was proved, his actual place of residence at that time ascertained. He was also required to establish the fact that he was a Choctaw and "the Choctaw head of a Choctaw family;" that he signified or offered to signify his intention to the agent of the United States within the time prescribed, to take the benefit of the 14th article; that he resided continuously on his land for five years from and after the treaty, unless dispossessed; that he had never emigrated, and had never within the five years made any contract to dispose of his claims either in whole or in part.

In cases where all of these points could be established to the

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<sup>47</sup> A copy of this act will be found in the *U. S. Statutes at Large*, V., 513-6; also Hutchinson's *Code*, 595-8.

satisfaction of the commission, judgment was rendered for the claimant. If his land had not been sold, and there was enough vacant land around him to make up the quantity due him and his children, the land was awarded to them. But where the land had been sold by the government, or so much of it as not to leave enough to satisfy the whole claim, scrip was issued in lieu thereof, at the rate of \$1.25 an acre, which scrip was receivable at any of the land offices of Mississippi, Alabama, Louisiana, or Arkansas, at par. And this scrip was to be paid to the Indian only on condition of his consenting to remove west—one-half when on his journey and the remainder after his arrival. The United States was to defray the expense of removal and to provide ample subsistence for the Indians for a year after their removal. It was also to provide sustenance for them during the time that they were prosecuting their claims before the commission.<sup>48</sup>

This board held its first session at Hopahka, on December 19, 1842, Mr. Tyler being absent. It took testimony in about two hundred and fifty cases and gave judgment in favor of a number of claims which were sent to Washington. About this time Gen. Reuben Grant wrote to the Commissioner of Indian Affairs, charging that attempts were being made to defraud the government. He also stated "that he was extensively acquainted among the Indians; that they did not pretend to have any claim until after the speculators went among them; that not ten in a hundred are entitled to anything; that large numbers of Indians have returned from the West; that Indians in the hands of speculators will prove anything; that with proper exertions two and one-half millions of dollars may be saved to the government; and, finally, that the cases reported by the board are mostly frauds and should be remanded for further investigation."<sup>49</sup>

The Commissioner of Indian Affairs then urged the Choctaw Commissioners to exercise the greatest vigilance in order to prevent fraud, and recommended "the employment of one or two more agents to protect the interests of the claimants and the Government, particularly the latter." The Hon. T. J. Word, a former member of the Lower House of Congress, was accordingly em-

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<sup>48</sup> *Mississippi Free Trader* of Sept. 16, 1843.

<sup>49</sup> *Proceedings of the Board of Choctaw Commissioners*,—a pamphlet in the Claiborne collection in the Library of the University of Mississippi.



ployed to examine county records and collect testimony. He promptly entered upon his duties as an agent of the commission. He soon made a discovery of some contracts, after which Colonel Claiborne, President of the Commission, wrote to the Department at Washington and advised it to suspend all the cases that had been reported after the investigations at Hopahka and to issue no scrip upon them.

According to Article IX of the Act of 1842, the integrity of all these claims depended upon the question as to whether or not the Indians had disposed of them within five years after the treaty. It was found upon investigation that most of the claimants had violated this term of the treaty, their sworn statements before the commission to the contrary notwithstanding. It was also found that companies of speculators, composed of men of all ranks, had purchased claims for a very small consideration; and it was openly declared that Mr. S. S. Prentiss was employed by the speculators for a "contingent fee of \$100,000.00," to protect their interests.

The commission afterwards met at the Yazoo village and received at that place and at Garlandville applications for nearly one thousand claims. It took testimony in about two hundred cases and transacted some other business. It seems that the commission suspended its investigation because Gen. Reuben H. Grant,<sup>50</sup> a prominent citizen of Noxubee county, made charges

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<sup>50</sup> A communication from R. H. Grant addressed to Gen. C. M. Price, and bearing the address "Macon, Miss., June 29, 1843," appeared in the *Miss. Free Trader* for that year. It was written in response to a request "to give the facts to the public in relation to the claims of the Choctaws." It reads in part as follows:

"I was summoned before the Board of Commissioners to testify in those cases, and was furnished by the Board with a list of interrogatories to answer, and in my answer to some of the questions as to my belief, I stated that I believed that ninety out of every one hundred were frauds upon the Government.

"I will now proceed to give you some of my reasons for such a belief and through you to the public, if you think proper. I was much of my time in the Choctaw nation, from the 24th of Feb. until the 24th of August, 1831, the six months required by the treaty for them to signify their intention to remain, and spent much of my time at the agency.

"I have known Col. Ward, the agent, to refuse a good many Choctaws to register their names; all that I saw refused by him, have removed West, and are now among the present claimants. I traveled much of my time after the 24th Aug., 1831, until the last party emigrated in 1833; I heard but few complaints amongst the Choctaws, that injustice had been done them by the Government of the United States. I have frequently conversed with a number of those now claiming land since the 24th

of fraud against the claims that had been passed upon at a former meeting. The board, after issuing several subpoenas for witnesses, adjourned to meet at Hillsboro on the first Monday in November, 1843, to review its former action and to receive any new evidence that might be discovered. Mr. Word was authorized to pursue his investigations in the meantime, in every county in the ceded district. The board also advised the Department of War to suspend all cases transmitted from Hopahka, to await the forthcoming investigations. Mr. Claiborne wrote a personal

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Aug., 1831, when they did not pretend to claim lands, their object then appeared to be to reject the treaty and to that end not to comply with any of its provisions. Some denied that the country was sold and would not acknowledge the treaty, nor do anything that commit them on the subject of the treaty. A number of their intelligent half-breeds have complained of the stubbornness and ignorance of the Choctaws; they would neither register nor remove, and would lose all the benefit of the treaty. Some time in the year 1835 those Choctaws became more enlightened about the time they had employed agents or sold their rights; and now those very Indians who had frequently informed me that they did not signify their intention to the agent, now come before the board and prove everything necessary in their cases.

"Greenwood Leflore, a treaty chief, in a speech at the land sales at Columbus, in 1835, pronounced them all frauds; the Legislature of Mississippi unanimously pronounced them all frauds from the testimony before them. (See *Journals of the House*, 1836, p. 112.) Those are the facts on which I have formed my belief. By the law creating this board, if any Indian has disposed of his land previously to the 24th February, 1836, his claims will not be entertained by the board. Most of those claiming had sold previous to that time, and some are of record in the counties. Those old contracts are suppressed and new ones claiming, made since that time. The Government of the United States ought to be represented by able counsel and by agents to procure testimony; and Mississippi ought to be represented by counsel, that her rights might be protected. If the Government loses some two or three millions of dollars, Mississippi will have to lose her proportion of the two and three per cent. fund, secured to her, and some of her citizens their homes and labor for years.

"I believe that the Legislature ought to take this subject in hand when they convene, and pass resolutions requesting the President to suspend the issuing of patents or script until a fair and full investigation be made. If the Government of the United States and the State of Mississippi would act in concert in the investigation, I have no doubt that two or three millions of dollars would be saved to the treasury, and Mississippi would secure her rights and protect her citizens. Sufficient proof can be procured to defeat almost every case. \* \* \* \* Great sympathy is manifested for the Indians. I believe it would be doing them a favor to reject them; they will gain nothing if successful. I have the utmost confidence in the board. I believe that they wish to do justice to the Government and claimants, but the government has neither counsel, nor witness, and all the testimony is *ex parte* and Indian testimony \* \* \* \*"

"A rigid investigation would be best to all concerned; a good claim has nothing to fear from it and false ones will be discovered."

letter to the Commissioner of Indian Affairs, urging that nothing be done until these cases were reviewed by his board.<sup>51</sup>

<sup>51</sup> A copy of this letter may be found in the pamphlet referred to above. It reads as follows:

"OFFICE OF THE CHOCTAW COMMISSIONERS,  
HILLSBOROUGH, SCOTT CO., MISSISSIPPI,  
November 7, 1843.

*"To the Hon. T. Hartley Crawford, Commissioner of Indian Affairs,  
Washington City.*

"SIR:—It is currently reported that certain interested persons are endeavoring to induce the Department to believe that the Hopahka cases do not fall within the provisions of the 9th section of the Act of 1842, as all the contracts have been made subsequent to the expiration of the five years; and upon this showing, that they are asking for the scrip.

"It is my duty as an officer of the government appointed to investigate these claims, to notify you that this representation, if any such has been made, is false. All those Indians contracted *within* the five years ensuing the ratification of the last treaty, with persons who represented themselves as the agents of Gen. Jackson, as I am credibly informed. It is true, in order to evade the aforesaid 9th section, new instruments have been executed by those Indians to John B. Forester and others, but the original contracts are still in existence; parties are claiming under them; and Forester is pledged to enforce those old contracts in the division of the spoils, in many instances. He has made the same agreement with Col. Alexander F. Young, one of the original partners, as Young informed me this day. Judge Wright and others, who have not had the same understanding with Forester are threatening to get out an injunction to stay the payment of this scrip, if it should have been paid out on these Hopahka cases.

"These are facts, sir, susceptible of proof in a court of justice. They are facts I propose to show in our forthcoming investigations. If the Department authorized the payment of scrip, the Indians are so drilled, so deceived, and so frightened, they will immediately endorse the whole of it over to Forester, a heavy portion of which is to be paid out to parties claiming under old contracts.

"I urge it upon the Department to recommend a revision of the law as to land and scrip. The contracts made with the Indians are all fraudulent. No court of equity will enforce them. Land is of little use to the Indian. It is not convertible into cash, and it fixes him to the soil, when the policy is to emigrate him. He cannot cultivate it. The moment he receives his patent some cormorant speculator claims one-half of it under these fraudulent contracts, and the residue is soon lost by improvidence, or sold for taxes. If you issue scrip, payable to him and assignable by him, you still leave him in the power of the speculator. He will endorse it over the instant it is paid into his hands, and thus be robbed of one-half or the whole of his indemnity. Why not have the laws so ordered as to fund the amounts due to those Indians, whose claims shall be allowed by the board, and sanctioned by the Department, paying them only the interest after they shall have been emigrated; nothing while they remain? This would induce them all to emigrate; indeed many are anxious now to go. They have been frightened into it with threats of prosecution for bigamy, Sabbath breaking, exercising tribal jurisdiction, &c., contrary to our statute of 1829. Threats made by those who oppose their emigration until your instructions to Mr. McRae (prohibiting payments of scrip until they emigrated) came out. These Indians are all improvident habitually intemperate and incapable of managing their affairs. The mode



*The Natchez Free Trader*, of September 20, 1843, contained the following interesting paragraph:

"The Choctaw Claims look squally. They began in a storm and will go out in a whirlwind. Commissioners, agents and speculators, are all at loggerheads. Mr. Graves, one of the commissioners, has had a fight with the Secretary and a fisticuff with Mr. Bailey, the assistant removing agent. Col. Fisher, a leading speculator, and our friend McRae, the United States agent have had a furious onset; and a combination of vexed and disappointed speculators are now moving heaven and earth to get rid of Col. Claiborne, because he suspended all their claims. Where three millions of dollars are at stake, the man who refused to distribute it, has fearful odds to contend against. It is easy in such case, to get up every species of attack upon his character and to find tools to manufacture a thousand bugbears. But in this case the contest will be a two sided one, and blow for blow will be given. It has only been a short time since all those speculators were singing in tenor, treble, and bass the praises and business talents of Col. Claiborne; now they pipe in a different tune. The fruit of this excitement, however, will be salutary. It has already drawn public attention to these claims. They will be canvassed and scrutinized, and if legal contracts have been made, *they cannot be screened under cover of a personal issue with one of the commissioners, which seems now to be the design.*"

I suggest you know how to consider or appreciate; but I assure you under the present plan these unfortunate beings will be stripped without remorse and without a shadow of justice.

"A most stupendous fraud is on foot. I affirm it on my official and personal responsibility. I am capable of demonstrating it. If the scrip is authorized to be paid, previous to the contemplated investigation of the Board, and investigation prompted by yourself when you enclosed the charges made by Gen. Grant, these speculators, fattened upon the spoils of the ignorant, and impoverished Indians, will have achieved all they desire, and our future proceedings be a farce. We have appointed an agent to collect testimony; testimony has been collected; numerous witnesses have been summoned; the public has been notified of our proposed investigations, and I must most respectfully *protest* against the covert attempts of men (who contrive to deceive the Board) to procure the payment of the scrip upon a false statement of facts at the Department. If there be frauds, *here* they were perpetrated; *here* are the parties; *here* the witnesses; *here* a tribunal appointed to detect them.

"I know, sir, your anxious desire to protect the Government, and at the same time do justice to the unfortunate Indians, and this must be my excuse for writing you again. *I admit that I have been deceived. The Hopahka cases should never have been sent on.* I take upon myself the blame. *When I discovered my error I advised the Department to suspend them all.* I took this step, and have, since the adjournment of the Board, continued my investigations, in the face of a bitter opposition, in defiance of powerful men, at the risk of reputation, it may be at the hazard of life. But I am discharging a solemn duty, and *atoning for an official error.* My deliberate opinion is, that not one dollar of scrip should be issued or paid out.

"My colleagues have probably been detained by inclement weather, or this letter should be presented to them.

"I have the honor to be,

"With profound respects,

"Your most obt. sert.,

"JOHN F. H. CLAIBORNE."

While at Jackson, on his way to Hillsboro, in the latter part of October, Colonel Claiborne was reliably informed "that a strong delegation of speculators had gone to Washington to induce the Department to issue the scrip, in disregard of the recommendation of the board," and that efforts were making to prejudice the Federal authorities against them. He suggested to a friend the propriety of writing articles which would set forth the true state of things and place him in the proper position before the public. The article was written and put at his disposal, with the understanding that the author's name was to be withheld. Colonel Claiborne copied the article and sent it to the editor of the *Vicksburg Sentinel*,<sup>52</sup> who had requested him to furnish information

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<sup>52</sup> This article reads as follows:

"Rumors are rife in relation to these claims, and the long existing impressions that they are grossly fraudulent are strengthening every day. We have taken some pains to collect the facts. It seems that while sitting at Hopahka, the Board gave judgment in favor of a number of claims, and sent them on to Washington. None but Indian testimony was offered. After the Board went to Yazoo, heavy charges of fraud were brought against the claims by Gen. Reuben H. Grant, a prominent citizen of Noxubee, and on these charges, Col. Claiborne insisted on advising the Department to suspend all the claims that had been sent on. An official letter to that effect was sent on; subpoenas were issued for witnesses, and the third Monday in November set apart to commence the investigation. The Board then adjourned. No sooner had this been done than a grand council of the speculators was convened at Hopahka, and the following plans, it is said, adopted: The Indians were to emigrate under the charge of John B. Forrester, (The United States paying \$20 per head) who was to accompany them, and then receive the whole of their scrip, one-half of which he was to retain, and the other half to lay out for the Indians in goods, cattle, &c. To accomplish this plan, a crowd of speculators repaired to Washington, some going openly, others pretending that they were going to St. Louis only. Their object was to obtain from the *War Department* a confirmation of their suspended claims, thus forestalling the action of the Board, and stifling the proposed investigation. They have been laboring for this scheme for weeks, and it is whispered, have received aid from a quarter from which such aid cannot come without *gross corruption*. (But of this, more in a future number.) We trust the Government has frowned down this most monstrous proceeding. Influential men, members of Congress, and others, have been engaged at enormous fees, to effect this nefarious design of transferring these questions of fraud from the tribunal established by Congress, to the Department at Washington, where facts have been represented by interested persons only, and witnesses cannot have a hearing. Powerful agencies have been at work. Let the books of Hopahka P. O. be compared with corresponding dates at Washington city office for the month of September, and it will be seen how many free letters have passed, and how many persons having the franking privilege, have been engaged at Washington. We trust the Department has not been deceived. A fraud of the grossest kind has been suspected. It has been positively charged at the Department. The Department notified the Board of the charges. The Board deemed it of



with reference to the work of the commission for editorial use

sufficient importance to appoint an agent at a salary equal to their own to collect evidence. He has been for months engaged in so doing. Innumerable subpoenas have been issued, and the Board refused to pass any more claims, and requested the Department to suspend them all and issue no scrip upon them, until the proofs concealed be obtained. And after all this, these speculators covertly go to Washington, employ members of Congress, and seek to induce the Department to overrule the objections of the Board, and pass claims to an enormous amount! This is really monstrous! The Hopahka claims alone, thus sought to be passed, over the recommendations of the Board, and in the teeth of the solemn protest of Col. Claiborne, amount to some 350,000 acres, as we learn. Surely such a decision cannot be had in Washington. If it has been, the Office of Commissioner cannot be held with honor. If such a judgment has been had, without the concurrence of the Commissioners, they degrade themselves by holding office. If they or any of them have been instrumental in procuring such a decision, without the official sanction of his colleagues he deserves eternal infamy.

"We cannot believe that the Department could be so deceived. It surely will not stifle the investigation it itself recommended. It will hardly cut off Gen. Grant from a hearing, and thus facilitate the most stupendous fraud upon the Government and robbery of the Indians, that has ever been devised. It will take three millions of acres to satisfy these claims. There is not so much unsold land left in the country ceded by the Choctaws. The deficit is to be made up with scrip payable to the Indians and receivable at the land offices as gold and silver. Now will it be credited, that these speculators have, by fraud and deception, obtained from the Indians absolute deeds of conveyance for the whole of their lands, and powers of attorney to receive their scrip, having given their bonds to pay over one-half of it to the Indians when the claim is closed! Incredible as this may seem, it is nevertheless so. And all this for what? Simply for undertaking to attend to the claim before the Commissioners, an attention altogether superfluous, and which the Commissioners are sent to attend to themselves; an attention, if necessary at all, certainly not worthy of the enormous fee exacted of the poor Indians—one-half their lands or scrip absolutely, and the control and management of the other! Such contracts are in their very essence fraudulent. No Court of Equity would enforce them. The man who buys these lands from the speculator can never have a valid title. They will all be eventually ripped up as frauds upon the Indian, ignorant of his rights; and the parties concerned will stink in the nostrils of the country. Report says that every acre of land yet patented to these Hopahka Indians, is held by one Forrester, who has not paid a dollar. It is said he held 30,000 acres. Not a sale he has made under such contract, can stand and every man who has purchased under him should withhold payment. This man made contracts—contracts were made with the Hopahka Indians, by inducing them to believe that Gen. Jackson desired it. Gen. Jackson who always denounced the whole claim a fraud! If the agencies at work at Washington succeed, Forrester will realize half a million at once, out of nothing. His claims passed the Board by perjured testimony; the Board suspended them on suspicion of fraud, and if they pass it will be by corruption. He stood by and heard his witnesses perjure themselves by swearing they had made no contracts—when he knew that he had made contracts with himself and with Gwin and Fisher, and Judge Wright and others, before him! And Gwin and Fisher are now clearing their part of the land scrip under these contracts! And their partners and coadjutors charge them with an attempt to defraud them out of their portions of the profits!



from time to time.<sup>53</sup> This article was published on November 10, 1843, Colonel Claiborne assuming all responsibility for the same.<sup>54</sup>

"And this is the vile scheme, this the perjured testimony, on which these claims are sought to be passed *secretly at Washington*, by bribed and purchased influences, when there is a commission specially established for the purpose; when that commission has appointed an agent, collected evidence, summoned witnesses and taken all the initiary steps for a thorough examination. We have too much faith in the Government to credit the rumors that the speculators have succeeded. The covert nature of their movements should have damned them, if nothing else. Even at home, here, they have sought to bring politics to bear in favor of this fraud, by causing representation to be made, in certain quarters, that opposition to these claims would injure the democratic party! Yes, a whig speculator, it can be established, tried this effort in several quarters—tried on candidates for the Legislature, and when it failed, used every exertion to defeat them. (More of this hereafter.) Good God! that parties and politics should be thus degraded." (See *Vicksburg Sentinel*, Nov. 10, 1843; also, *Miss. Free Trader*, Nov. 15, 1843.)

<sup>53</sup> *Ibid.*, Nov. 24, 1843.

<sup>54</sup> The day after the publication of the article referred to above, Mr. S. S. Prentiss, acting under authority from Col. J. B. Forrester, requested the editor of that paper to give the authority upon which his statements were made. In reply Mr. Ryan, the Editor, stated that the Hon. J. F. H. Claiborne was author of the article, and gave an extract from Mr. Claiborne's letter, which reads as follows:

"If Mr. Forrester calls, inform him that I will shoulder the responsibility, and hold myself personally responsible to him." (See *Vicksburg Daily Sentinel* of Nov. 13, 1843.)

On Nov. 19, Mr. Claiborne addressed a letter from Hillsborough to the editor of the *Sentinel*, in which he wrote as follows concerning this article:

"In my hasty act requesting you to publish it, I neglected to draw the distinction between the author and the amanuensis, and in giving you authority to surrender my name as responsible for the publication, left the impression that I was the author. It was written by a friend who is nearer the focus of information than I am; who was earlier aware of the movements at Hopahka, and who thought that my true position should be known to the public. He placed the article at my disposal, and I transcribed and transmitted it to you, the only scruple I had being the allusion to myself. And in my haste, I committed the blunder of apparently composing an eulogy on myself, and at the same time authorizing you to give me up as the author. I should have said the *writer*. On this point, I refer you to the statement of P. Bayly, Esq., Secretary of the Board, a gentleman of high character.

"As to the article itself, after a week's reflection, I reaffirm and adopt it, and publish it as notice to the country against a gigantic speculation which can never be consummated but at the expense of truth and justice.

"Acting on the defensive against men who first assailed me with the most atrocious calumnies, put in circulation to neutralize the effect of my opposition to their scheme, I shall follow this publication up with others of a more authoritative stamp, encouraged by the belief that I have thus far defeated them at Washington, and may baffle them in future. The very war they are waging on me, a member of the Commission to investigate these claims, and the struggle to divert the public mind from the true issue to a conflict of personalities, are, in themselves suspicious.

"As to the several reports put into circulation to injure me, for reasons obvious to the community, springing alike from disappointed cupidity and

In assuming this responsibility he placed himself in a delicate position because of the complimentary references to himself in the article. He exonerated himself, however, by producing the certificate of Mr. P. Bayly, the Secretary of the Board, to the effect that Colonel Claiborne was only the amanuensis, not the author of the article, and that the copying had been done in his presence.<sup>55</sup>

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low revenge, I challenge those concerned, one and all, to reduce them to specifications, under their own signature, at the War Department or elsewhere, and great as is the odds of many against one, I pledge myself to refute them upon documentary testimony; not only to place my official conduct in the highest possible light; not only to show that for doing my duty to the country, in defiance of threats and traductions, I have been pursued with a fiendish malignity that spares not even my domestic hearth. But I *pledge* myself to make such an *expose* as will effectually damn some of the parties concerned; damn them in the eyes of government; damn them before the country, and in the world to come, if they are not particularly careful. The public will be shocked to find that two or three baffled speculators, claiming to be gentlemen, should resort to such *unmanly means* to resent the steps taken by a public officer in the discharge of his duty."

Accompanying this letter was the following statement:

"HILLBORO', Nov. 19, 1942. (1843)

"Col. Claiborne showed me the manuscript from which he copied the article about the Choctaw claims; I was present when he was transcribing it, and the handwriting is known to me from having seen letters of the author to Col. Claiborne.

(Signed)

"P. BAYLY."

(See *Vicksburg Daily Sentinel*, Nov. 21, 1843.)

<sup>55</sup> In order that the reader may understand the bitterness of the partisan press of Mississippi at that time the following strictures on Mr. Claiborne's conduct are here reproduced from *The Weekly Courier and Journal of Natchez, Miss.*, (Nov. 29, 1843) which was perhaps the principal Whig organ of the State:

"We learn that the *Ex-Honorable* Don John F. H. Claiborne, has written a letter to the editor of the *Vicksburg Sentinel*, exhibiting a pitiful attempt to throw the responsibility of being his own eulogist upon somebody else, a nameless person. The *Vicksburg Whig* of Wednesday has the following:

"Col. Claiborne who figured so conspicuously in the *Sentinel* a short time since in eulogizing himself, has written another letter which we find in the same paper of yesterday morning, in which the Colonel tries to explain away the eulogy part of the letter. Here is an extract in which he denies being the author, but acknowledges having copied the article, (eulogy and all) and sent it in his own name. Well, those who like, may believe somebody else wrote it for the Colonel, but we do not:

"It was written by a friend who is nearer the focus of information than I am; who was earlier aware of the movements at Hopahka, and who thought that my true position should be known to the public. He placed the article at my disposal, and I transcribed and transmitted it to you, the only scruple I had being the allusion to myself, and in my haste, I committed the blunder of apparently composing an eulogy on myself, and at the same time authorizing you to give me up as the author—I should have said the *writer*."



The following extract from an editorial article which was published in the *Vicksburg Daily Sentinel*, gives a dispassionate view of the situation:

"Purchasing the Indian title is a speculation which most men would embark in; nor do we see anything objectionable in it when the titles are *bona fide*; and good. But endeavoring by perjury and fraud to establish the claims of Indians who never in their lives took the first step toward expressing their intention to settle, either by word or act, is what should

"It was of course expected that some apology or excuse would be offered for this truly contemptible trick, a trick which only the basest, meanest of political demagogues would be guilty of; but the explanation offered by the man who occupies the very position which a '*bold, honorable and ambitious man*' would desire to occupy, will certainly fail to produce the effect which it was designed to produce. In the first place, the eulogy upon Col. Claiborne which appeared as an editorial article in the *Vicksburg Sentinel* is said to *sound* like the renowned individual whom it lauds. It has shrewdly been suspected by many persons in this vicinity, for a long time, that this *distinguished* patriot was in the habit of causing puffs of himself to appear in various newspapers. Within the last five or six days we have heard suspicions shrewdly expressed, that he was the author of an article which appeared a short time since in the *New Orleans Herald*, ridiculously daubing this somewhat *renowned* individual, with encomiums which by their foolish extravagance did more injury than service to him, as did the late one which appeared in the *Vicksburg Sentinel*, *without parentage*, no one knowing whence it came or who is to maintain it in this 'breathing world.' A bastard eulogy was that, most certainly.

"And we have heard it said that there is no doubt that Mr. Claiborne is the '*writer*,' or the prime cause, of seven-eighths of the flattering, and pointless because flattering notices of him which have appeared in the various loco-foco papers of the State within the last few years.

"But he says he is not the author of this *last* splendid, really amusing, laughable 'blunder,' as the gentleman himself chooses to call the Vicksburg Editorial. 'It was written by a friend!' and 'I (the eulogized) transcribed and transmitted it to you, the *only* scruple I had being the allusion to myself.' How extremely kind this 'friend' must have been, and what a high estimate he must have placed upon the delicacy of feeling, the sensibility of Col. Claiborne, to have written an article eulogizing him in the most extravagant terms, and then 'transmitting' him (Col. C.) the article. Why did not this 'friend' publish the eulogy, himself? and what sort of delicacy must Col. Claiborne really have '*to transcribe*' the eulogy upon himself and '*transmit*' it to a newspaper editor for publication? But he had a '*scruple*,' and *only one!* that was the 'allusion to myself,' but this 'scruple,' it seems, did not have sufficient weight on the mind of this sensitive, retiring and modest individual, to prevent him from sending it to a newspaper editor for publication! Oh, no! there *was* a 'scruple,' but it did not prevent the commission of this 'blunder!' How strongly it must have influenced the mind of the man 'whose true position, it was thought should be known to the public.' 'He (the friend) placed the article at my disposal,' says Col. Claiborne. The 'friend' did not say 'publish it and give *me* as authority;' he did not even say '*publish it*,' at all; it was at Col. Claiborne's 'disposal' and notwithstanding that 'only scruple,' he transmitted' it to the editor of a public newspaper, for publication, with all its 'imperfections,' and 'committed the blunder,' only think! of '*apparently* composing an eulogy on myself and at the same time, authorizing you (the



be put down as villainous fraud. We are well aware that the strongest efforts of this kind are being made, and how to thwart them except by the vigilance of the commissioners we know not. The acts of the commissioners themselves too require strict supervision, there is an extensive field for bribery, fraud, and corruption, and except public vigilance is aroused their perpetration will be inevitable.<sup>56</sup>

When the Commission met at Hillsboro, November 20, 1843, Mr. Prentiss appeared as the counsel for certain claimants, and raised the preliminary question as to Colonel Claiborne's competency to act, contending that in consequence of the article in the *Vicksburg Sentinel*, he had prejudged the case.<sup>57</sup> On the following day Mr. Claiborne protested against the proceedings of the day before, denying the right of any one to question his competency or the competency of his colleagues to decide such a question. Among other things he said:

"The two other commissioners, being a quorum, have a right to stop this investigation \* \* \* \* \* I shall, from personal considerations oppose no obstacle, inasmuch as I court and challenge, in the proper place, and according to the laws of the land, the severest scrutiny in my official conduct. But, until that scrutiny shall be so had, and during the pleasure of the President of the United States, while this Board remains in session, I shall exercise my rights and duties in their broadest latitude, not only as Commissioner and Counsel for the Government, but as a citizen of the State and as a Reporter for the Press, for it is my intention, over my own signature, to report the proceedings under these investigations, *that all the aid and moral influence of public opinion may be brought to bear to sustain the rights and interests of government.*"

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editor) to *give me up as the author!* (Oh! what a 'blunder!') I *should* have said the '*writer.*'

"Now allowing Col. Claiborne's statement to be true, it only shows this; that it did not *first* occur to him (Col. C.) that he occupied the very position which a 'bold, honorable and ambitious man would desire to occupy,' but it *did* occur to 'friend' who immediately put it on paper, and 'placed the article at my (the eulogizee's) disposal,' and that the eulogized man immediately sat down and 'transcribed' the article and forthwith determined to publish it to the world and stand responsible for its truth or falsehood. Col. Claiborne says he was not the '*author,*' but the '*writer!*' Well, he is welcome to all the absolution which any honorable man will grant him, even admitting the truth of his own statement."

<sup>56</sup> *Vicksburg Daily Sentinel*, Nov. 24, 1843.

<sup>57</sup> On this point Mr. Claiborne makes the following statement:

"I deny that in making this publication, I prejudged any case. I merely stated a fact, which I am competent to prove. My object was to attract public attention to the claims; to call forth witnesses; to elicit disclosures; to stimulate those who might dislike to come into collision with the rich, influential and resolute men, who are managing these things. To protect the public interests somebody had to assume the responsibility; it was my *duty*, as counsel for the Government, to assume it, and though I made a strong charge in the publication, I believed myself competent to establish it, and I believe so now." (See *Proceedings of the Board of Choctaw Commissioners.*)

In this protest he renewed and pressed a resolution which he had introduced the day before, urging the employment of additional agents and counsel to protect the interests of the government and the people of the State. He then enumerated twelve reasons based upon the history of the claims and the resolutions of the Legislature of Mississippi, which have been given in other parts of this article. He called attention to the fact that Mr. Prentiss was a member of the Legislature which had unanimously passed resolutions condemning these claims and requesting Congress to investigate them. He closed his protest by denying the right of any agent or attorney, to challenge his competency or to file or to enter any paper, protest or proceeding of any kind, affecting his competency or official conduct on the records of the commission.<sup>58</sup>

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<sup>58</sup> This Protest reads as follows:

"1. That a large majority of the claimants examined at Hopahka, within five years from and after the ratification of the treaty, made contracts or assignments, or what were, in effect, contracts or assignments; that many of those contracts are yet in existence, and the parties are still claiming under them, and that in swearing before this Board, they had made no contracts, or 'binding contracts,' the Indians either swore falsely, or ignorantly, or have no definite idea of the nature and obligation of an oath, or no adequate conception of the contract, and are, therefore, incapable of contracting.

"2. That many of the same Indians have subsequently been induced to make conveyances of their claims to the same, or to other speculators, either in whole or in part, for a grossly inadequate consideration.

"3. That these subsequent conveyances were made, in some instances, in bad faith to those who originally contracted with the Indians, and generally upon principles that would not be sustained in a court of equity, or by the authorities at Washington, if properly represented.

"4. That large amounts of money, perhaps several hundred thousand dollars, have already been realized by certain speculators by virtue of contracts made with the Indians.

"5. That it may be established by certain parties who now hold conveyances from the Indians tried at Hopahka, that most of them did make contracts within the five years, and that they themselves, (the parties under the subsequent conveyances,) recently had it in contemplation to establish the illegality of those original contracts.

"6. That evidence will be forthcoming to show that these contracts have had a tendency to keep the Indians in the country ever since the treaty, contrary to the views of the Government, and to the great injury of the people of Mississippi.

"7. That every effort has been made by certain parties interested to prevent a full and fair investigation of these claims, and of the frauds alleged to have been practiced under them.

"8. That agencies and influences for this purpose are at work in various parts of the country and at Washington City.

"9. That general evidence will be furnished of the history of this claim; its increasing magnitude from year to year; and other facts and circum-

He then left the room where the board was in session. There was much excitement among the speculators and their friends. Mr. Prentiss made another scathing denunciation of Mr. Claiborne, stating that he would impeach him, and that if he was allowed to sit as a member of the commission, he would not appear before it. Threats of violence and oaths were frequently uttered against Mr. Claiborne, and he received notice from a number of friends, who, becoming alarmed for his safety, informed him of plots that had been made to assassinate him. He was also told that some Choctaws had been told to shoot him. His friends warned him that he would appear in the streets at the peril of his life. They offered to furnish him with arms and to provide "an armed escort" for him, both of which he declined.

On November 23, Mr. William Chambers wrote to Mr. Claiborne that one of the commissioners (Col. R. Graves) had said

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stances showing the *extraordinary* means resorted to, to sustain it—facts material to the Board informing its judgments, and which, should be made known to the Legislature, at its approaching session, and to the Congress of the United States.

"10. That although many of the claimants under the treaty are rightfully entitled to indemnity, yet when citizens of the State, and members of this Commission, are denounced as they have been denounced, and sought to be intimidated, for adopting precautionary measures upon suggestions of fraud, some weight should be attached to the following Preamble and Resolutions of the Legislature of the State of Mississippi (which passed by unanimous vote of both Houses,) and the evidence taken at that time.

\* \* \* \* \*

[The Resolutions are here omitted, as they will be found in another part of this article.]

"11. That the evidence taken by the Board, and the mode adopted for taking testimony and examining witnesses, are defective in several particulars, and have conduced to erroneous adjudications.

"12. That evidence will be forthcoming from many citizens, that the Board has placed too high an estimate upon Indian testimony, and that they are liable, either ignorantly, or by design, to make false statements under oath.

"All which, taken in connection, will go to show to Congress the expediency of modifying the law, and providing some other mode of securing to the Indian his indemnity.

"With these views, I leave my colleagues to take the course they deem most advisable, *protesting* against their rights, or the right of any agent or attorney, to challenge or dispute my competency *here*, or to file or enter any paper, protest or proceeding of any kind, affecting my competency or official conduct, on the records of this commission. Such proceedings must be had before another tribunal. And I *protest* against any such permission, or any such assumption as was yesterday exercised by the council of certain speculators, as being in violation of my rights as a member of this Board, and derogatory to the Commission itself.

Nov. 21st.

"J. F. H. CLAIBORNE."



that the board would do no business unless Mr. Claiborne retired from it; that if he took his seat, it would stop the proceedings; and that if he did not the board would go on and probably try the cases submitted to it.

On the following morning Mr. Claiborne resumed his place among the commissioners, taking with him "an elaborate legal argument on the question of fraud to submit to the board;" also a statement concerning his absence from its meetings during the three days preceding. These papers were not presented, however, as it had been determined before that time that there should be no investigations. The board was adjourned "until the authorities at Washington could be heard from." Challenges to fight duels were then received by Colonel Claiborne from Mr. Prentiss and Mr. Forrester, both of which were declined by him on the ground that he did not feel bound, "as he otherwise might," to engage in mortal combat while it was incumbent upon him to repel the infamous calumnies against his private character as well as to discharge the grave responsibilities which he owed to his government. In his reply to Mr. Forrester, he stated that his life and reputation were both at stake and that if he lost the one the other would be "stained with charges made but not repelled."<sup>69</sup>

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<sup>69</sup> In his reply to Mr. Prentiss, Mr. Claiborne said, among other things: "Whether you choose to be regarded as attorney or speculator, I deny the slightest accountability to you, or any one else, for any step I may choose to take to protect the public interest, in the legitimate discharge of my duties. And, in resisting a combination so formidable, I feel perfectly justifiable in invoking to my aid, and to the aid of the country, the moral influence of the *Press*, so far as the *power* and *threats* of your associates have left the *Press* free to act. A thousand frowns, and a thousand challenges will not deter me from my duty, if I am permitted to discharge it. My blood will not acquit the parties implicated of the charge, nor wash out the suspicions that rest upon their transactions. Investigation, deep, broad, searching and uninterrupted, can alone settle the point. Bullying, and dragooning, and even assassination will not do it."

Referring to these experiences Mr. Claiborne wrote as follows in a communication, in which he reviewed the proceedings of the Board of Commissioners:

"It is impossible for me to predict how many more of these agreeable invitations to 'coffee and pistols for two' I am to receive, but I am bound to believe that some of the parties concerned never intended there should be a formal meeting between Col. Forrester and myself, though they designed he should have all the glory of sending a challenge to a man, *placed by their own act*, in a position to forbid his acceptance. If they intended we should fight, on fair and equal terms, why threaten me with *impeachment*, at the moment of sending the challenge? And if they design to impeach why force me to *fight*, or distract my attention with challenges,

Colonel Claiborne then returned to Natchez and prepared an elaborate account of the proceedings of the board of Choctaw Commissioners. This document was published in pamphlet form (17 pages) at Natchez, on November 30, 1843. A copy of it was laid on the desk of each member of Congress. Its concluding paragraph reads as follows:

"I leave this matter in the hands of the country, for it was in its service I incurred the hostility of this band of speculators. In the early stages of the commission I was on intimate terms with some, on amicable terms with all of them and was applauded by them for the liberality and fairness of my course. This is notorious. But no sooner did the course of events, the communications from the Department, and from other quarters, satisfy me that our action had been too precipitate, and that it was my duty to atone for my error by advising a suspension of the scrip, than the whole pack opened in full cry upon me, and determined to frighten me out of office. If I had permitted the bandage to remain upon my eyes, or consulted my personal interests, my career would have been both peaceful and profitable. So much for these matters. As a public officer I have my defense to make, whenever I am formally attacked. I trust in God that it will be satisfactory; and my friends may be assured, great as are the odds of many against one, I will not shrink from any ordeal through which it may be my lot to pass."<sup>80</sup>

until I had made preparations for defense? They have every advantage. They are a band of men, associated for a gigantic speculation, with capitalists, lawyers, prompt and willing witnesses, and even their regular bullies to back them. I am an officer of Government, opposing their schemes, exposed to their malice, all I say or do liable to be perverted, and my errors magnified into crimes. Surely when there is so much disparity, the party having the advantage, should resort to no unfair means to quash a scrutiny or put down an adversary."

<sup>80</sup> The following communications are self-explanatory:

"Hillsborough, Dec. 16, 1843.

"To the Hon. J. F. H. Claiborne:

"Sir:—In consideration of the high estimation in which we hold your private worth and acts as an officer of the Board of Choctaw Commissioners we beg leave for ourselves and others, to tender you a public dinner, to be given at this place, at such time as you may designate.

"We request also the attendance of the late Secretary, P. Bayly, Esq.

C. Boyd,  
Wm. Chambers,  
G. J. Keahey,  
W. C. Smith,  
H. E. Chambers,  
David Smith,  
M. Y. Stewart,

J. M. Chambers,  
Wm J. Smith,  
T. N. Petty,  
Joseph Mangum,  
T. C. Scrivener,  
Asa Myers,  
A. Chambers.

"To the Hon. G. J. Keahey, Rev. R. T. Gatewood, Wm. Chambers, Esq., and others.

"Gentlemen:—The flattering compliment offered by my fellow-citizens of Scott county, would, at any time be highly appreciated, but offered now, as it is without distinction of party, and through you, who were the constant and attentive witnesses of the late proceedings before the board of commissioners, and out of doors, at Hillsborough, it is peculiarly gratifying.

The *Mississippi Free Trader* of Sept. 16, 1843, contains a lengthy editorial which concludes as follows:

"The plain English of all this is that Col. Claiborne has done his duty without fear or favor. And we may assure his numerous friends, on the authority of a letter from himself, dated at Hillsborough, that *all* his official acts, from the first meeting of the Board, have been *approved* by the authorities at Washington, to whom alone he is accountable.

"Before closing this article, it may be stated that the testimony taken before the former Board, has been examined under the direction of Mr. Commissioner Crawford. He made a very elaborate and most able report on the subject, which was concurred in by the Secretary of War, and furnishes a precedent for the decisions of the present Board. Many of the cases were rejected. On those confirmed, scrip to the amount of some \$130,000.00 has been issued and transmitted to John J. McRae, Esq., the emigrating agent of the United States. Not a dollar of it is to be paid until the Indians emigrate, an event which we doubt not the abilities of Mr. McRae will soon accomplish."

#### VIII. SECOND LEGISLATIVE INVESTIGATION. <sup>61</sup>

Before the Legislature of Mississippi assembled in January, 1844, various conflicting accounts of the events that had taken

"I recollect your generous behavior to me, gentlemen, on that trying occasion, when unprovoked indignities were offered to me for daring to do my duty, and when, had I raised my arm to resist those indignities, half a dozen ruffians, as I sincerely believe, and as others believe, stood ready to plunge their knives in my bosom. They are now assailing me with the poisoned weapons of slander and falsehood; but trust me, gentlemen, whether in the commission or out of it, I shall defeat the speculators yet. Their talents, their power, their intrigues, their threats, and even the whole three millions they would take from you and from the Indian, cannot save them. I will not join the Choctaw Commissioners, gentlemen, after what has taken place until there is an expression of opinion from the authorities at Washington. And as I received my office without solicitation, I would scorn to go there to seek to retain it.

"With great respect,

"Your friend and servant,

"JOHN F. H. CLAIBORNE."

"The Legislature of Mississippi seems to have devoted little attention to the Choctaw claims between 1836 and 1844, the resolution of Feb. 6, 1840, being the only formal utterance from the body on that subject, this resolution reads as follows:

"Whereas, great uncertainty and difficulty exist with regard to the titles of land claimed by certain Choctaw reserves, under the 14th article of the Treaty of Dancing Rabbit Creek, which must result in ruinous litigation: *And whereas*, also, the public lands acquired by said treaty are withheld from sale, until the final action of the Federal Government is had upon these matters; all of which tend to retard the settlement and improvement of the State: *And, whereas*, also, it is a subject of deep interest, as well to reserve under said treaty as to the purchases of these lands from the government, that these titles should be defined and promptly adjusted; Therefore—

"Be it resolved by the Legislature of the State of Mississippi, That our Senators in Congress be instructed, and our Representatives requested, to



place at Hillsboro had spread to the remotest parts of the State. It required little discernment to foresee the gathering of a great storm. Vituperations and invectives were freely indulged in by citizens who were bold enough to declare their opinions on the subject uppermost in the public mind.

In the *Vicksburg Daily Sentinel* of Jan. 15, Gen. Reuben H. Grant, of Macon, Miss., published a statement addressed to the people of Mississippi in which he purports to show that in certain statements contained in the *Vicksburg Whig*, "the writer has knowingly and wilfully misstated facts and has throughout made representations utterly inconsistent with truth."

In this address, occupying nearly three columns in the *Sentinel*, the author reviews his connection with the investigation and defends his conduct from the beginning of the investigation. The following brief extract from this address will serve to give an idea of the feeling which was engendered by this investigation:

"A war of extermination is to be carried on against every man who, even from the compulsion of the law is forced to testify, if it happens that his evidence militates against the monstrous combination wealth, influence and talent, arrayed to carry out this impudent fraud. Millions are the prize they contend for."

It seemed to be generally conceded that the Legislature would make another utterance relative to the Choctaw claims. On January 27, Colonel Claiborne arrived in Jackson, and it was rumored that a resolution would be offered, inviting him to address the Legislature on this subject. Rumor also stated that the speculators would be heard through counsel.<sup>62</sup> On the day of Colonel Claiborne's arrival in Jackson Mr. Buckley, a member of the Lower House from Lawrence county, gave notice that on the following Monday he would introduce resolutions relative to the Choctaw claims.<sup>63</sup> At the time appointed Mr. Buckley in-

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use their best efforts to pass such a law, by Congress, as will cause a final adjustment of all disputes and difficulties arising under the said article of the said treaty.

"And resolved further, That in making said adjustment, the rights of settlers and pre-emptors shall in every case be protected from said claims.

"And be it further resolved, That the Governor be requested to forward a copy of the above preamble and resolutions to each of our Senators and Representatives in Congress." (*Session Laws of Miss.*, 1840, 88.)

<sup>62</sup> *Natchez Free Trader*, Jan. 31, 1844.

<sup>63</sup> *Vicksburg Daily Sentinel*, Jan. 30, 1844.

roduced resolutions almost identical with those which had been passed by the Legislature in 1836.<sup>64</sup> A motion was promptly made to lay the resolutions on the table. It was lost by a vote of 52 to 20.<sup>65</sup> A motion then prevailed to refer the resolutions to a committee of five, and Messrs. Yerger, Lea, Grant, Boone, and Buckley were appointed on the said committee.<sup>66</sup> About this time it was discovered that "no trace" of the evidence taken by the legislative committee in 1836 nor of the original minutes of that body could be found in the archives of the State. Fortunately a printed copy of its proceedings, which had been published by order of Congress, was in the possession of a member of the newly appointed committee.<sup>67</sup> The *Vicksburg Daily Sentinel* of February 2 contains the following:

"The resolutions offered by Mr. Buckley, some days since, in relation to the Choctaw claims, are creating some excitement. The speculators are getting very familiar with the members. \* \* \* \* \* I learn that a part of the committee to which these resolutions were referred are unwilling to act on the committee, for reasons best known to themselves. This subject will elicit some further investigation in the House soon. John F. H. Claiborne, Esq. is at Jackson. Wm. M. Gwin is here also, and others."

After this item of News had been written by the reporter, but before its appearance in the *Sentinel* Col. Felix Labauve,<sup>68</sup> of De Soto county, a man who could never be neutral on any question relating to the public welfare, moved that the committee appointed to examine into the alleged Choctaw frauds be discharged and that the resolutions be forthwith acted upon. In his speech in support of this motion he said that "he proposed to rely on the testimony taken in 1836—testimony voted to be conclusive by the Legislature, and given by men well acquainted with the Indians, and when the circumstances were fresh. His object was *action*. He wished Congress to know the sentiment of this Legislature by adopting the resolutions which would respond to the wish of the people. Nine-tenths of the people,

<sup>64</sup> See *supra*.

<sup>65</sup> *Miss. Free Trader*, Feb. 7, 1844.

<sup>66</sup> *Vicksburg Daily Sentinel*, Jan. 31, 1844; *Natchez Free Trader*, Feb. 7, 1844.

<sup>67</sup> *Vicksburg Daily Sentinel*, Feb. 5, 1844.

<sup>68</sup> For an excellent sketch of the life and services of this valuable citizen see Saunders' "Col. Felix Labauve" in the *Pubs. Miss. Hist. Soc.*, VII., 131-40.

Whigs and Democrats, looked on the claims as fraudulent." He also made allusions to the "appointments on the committee."<sup>69</sup> A member of the committee, whose name had not been previously mentioned, disclaimed any interests whatever in those claims. He also stated that in the preamble of the resolutions "a falsehood could be established" and that "if his motives were impugned he would resent the imputations in a different manner than in the House." The gentleman who introduced the resolutions interrupted the speaker at this point and handed him the resolutions passed in 1836, which were at once recognized as identical with the resolutions under consideration. The debate on the motion was long and tedious, occupying the entire day. The motion to discharge the committee prevailed, and the resolutions came before the House for formal adoption.<sup>70</sup> The House then adjourned, and final action was postponed until a later day. The gravity of the situation is indicated by the statement of the reporter for the *Vicksburg Sentinel* to the effect that "any man daring to advocate the rights of the general government, or the plundered Choctaws must suffer the consequences of a duel." He says further:

"There is a party in the Legislature, at present whose interests it would conflict with were they to indorse or approve of the proceedings of the Legislature in 1836. Men, now the eloquent advocates of sustaining the commission, were then its denounciators. Behold the course pursued towards Col. Claiborne, an acknowledged friend of the Indian claims, and whose great error, in my opinion, consisted in his being too favorable to it, and having suffered his sympathies to run too far in favor of the unhappy and much abused Indians. Look at the efforts to sway, intimidate and destroy him! Efforts are making to overawe members of the Legislature and are carried so far as to state that any member of the Legislature who touched this question would be immediately challenged by some one of the speculators."<sup>71</sup>

Three days later the same paper published the following statement from its Jackson correspondent:

"There have been a great many threats thrown out by men whom you know are famous for blustering against those who have the firmness and independence to speak and act according to their belief about the claims and those engaged in prosecuting them. Pistols and bowie knives were perceivable upon the bodies of these bragadocios, parading in the lobby of the Representative Hall, when the matter was under discussion. The time

<sup>69</sup> *Ibid.*, Feb. 5, 1844.

<sup>70</sup> *Vicksburg Daily Sentinel*, Feb. 3, 1844.

<sup>71</sup> *Ibid.*



has been when such demonstrations had their desired effect; but now they are awfully mistaken, if they think there is a man on the Democratic side of the House who can or will be intimidated or deterred from pursuing his imperious duty as a man and a legislator.

"I have heard not a few members say, that if these worthies are overly anxious to get into broils, and bring on fights, they can be satisfied to their hearts' content. They are determined to do their office regardless of consequences."<sup>72</sup>

The subject was taken up again on February 8, "early in the morning," when, as the reporter expresses it, "Buckley's Choctaw resolutions were drawn from the table where they had rested very uneasily, like young earthquakes, agonizing for a wrestle with the strong elements." A substitute resolution was then offered, modifying the declarations contained in the preamble of the original resolutions.<sup>73</sup>

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<sup>72</sup> *Vicksburg Daily Sentinel*, Feb. 6, 1844.

<sup>73</sup> This substitute reads as follows:

"To strike out the word *whereas*, and insert '*Whereas* the Legislature of Mississippi in 1836 after testimony duly taken by a committee passed a preamble and resolution in relation to the Choctaw claims solemnly asserting the existence of enormous frauds; *And whereas*, it is believed that the Act of Congress of 1842 establishing a board of commissioners will not answer the purpose intended to be accomplished, to-wit, speedy removal of the Choctaws and securing to them, to be enjoyed by themselves exclusively, a just indemnity for their claims under the treaty, but on the contrary will retard their removal by giving them in many instances, land; will leave them in the power of the speculators more or less, and will operate most injuriously on the people and on the State by throwing an enormous amount of scrip in the market in competition with the actual settler, and with the State in any future grant that Congress may make to her for great public purposes; *And, whereas*, the scrip to be issued is receivable as gold and silver at any of the land offices of Alabama, Mississippi, Arkansas, and in Louisiana, and may be made to cover every forty acres tract of good land in this State thereby arrest and deprive of their improvement many of our most worthy citizens, *the pioneers of civilization in peace*, the best defence and bulwark of country and war; *and whereas*, a full and thorough investigation cannot be had before a board of commissioners, unless the said board had the power to compel a discovery from all the parties concerned; therefore, *Resolved*, That our senators be instructed and our representatives requested to propose the repeal of the Act of 1842, establishing the board of commissioners, and to desire some more effectual means for the removal of Indians: And that we deem it expedient in lieu of land or scrip, to pay each Indian head of a family, now residing in this State, and whose name was registered by the late or former commissioners, a fair equivalent in money on his removal west with his family, the principal to be funded, the interest on it to be paid annually, it being understood that they are to be removed at the expense of the United States and to be supported for twelve months thereafter. *Resolved also*, That they be requested to use their best exertions to graduate and reduce the price of public lands in this State, so as to induce immigration, place a home within the reach of every man, and enable the United States and the State to derive some income from the vast amount of public lands in this State."

Mr. Buckley feeling aggrieved that the opposition had construed his willingness to modify the language of his preamble which he agreed to in order to save the feeling of some of his Democratic friends, into a wish to evade the consequences, contended for his first resolution without modification. "So little," said he, "do I care for bullying and threats, that I now declare that I am alone and wholly responsible for those resolutions, and the declarations contained in the preamble, and all I ask of those who would intimidate me by threats is daylight, an open field, fair front and no advantage."

This new resolution was substituted for Mr. Buckley's resolution by a majority of two votes. The following account of the events which took place was prepared by the reporter for the *Mississippi Free Trader*:

"And now came the conflict—the heavy tug of eloquence, craft movement and counter movement which wore out the day and night until nearly two hours past midnight. I have never witnessed such a scene save in the Capitol of the Union. Both the friends and enemies of the bill emphatically slept on their arms and on the field of battle. At eleven o'clock on Wednesday, the cannon again began to roar right and left, but less furiously than on the day previous. Smylie, of Amite, gave a last charge against the resolution. 'If you drive those lords of the soil,' said he, 'from those prairies,' &c. \* \* \* \* \*

"The resolutions were adopted by a vote of forty-four to forty-two. During the whole of this discussion the greatest interest was exhibited by crowded lobbies and attentive members. The most eloquent speeches were made by those opposed to the resolutions. Such men as Yerger, Winchester, Miles, and Smylie exhausted their energies; and the animated action of the House, the calls for order, the management, the bursts of applause from time to time as some grand or forceful thought was elicited, or some bolt-like argument was sent home to the antagonistic party, would seem to have realized all that had been said of the action of the French chamber of deputies in their stormiest sessions."<sup>74</sup>

On Friday, Feb. 16, a Senate committee on the Choctaw resolutions made a unanimous report "merely taking ground in favor of changing the payment for claims in money instead of scrip, and striking out all the condemnatory clauses and adding a special clause for the protection of the Indians' rights under the treaty."<sup>75</sup> This report was finally adopted by both branches of the Legislature.

It seems that the contest finally narrowed down to a party issue before it was disposed of. The editor of the *Vicksburg Daily Sentinel* says in his issue of Feb. 14, 1844:

<sup>74</sup> *Miss. Free Trader*, Feb. 21, 1844.

<sup>75</sup> *Miss. Free Trader*, Feb. 28, 1844.

"We wish it to be remembered by the people of Mississippi that every Whig in the Legislature voted against the passage of Mr. Boon's resolutions on these claims. Keep this before the honest men of Mississippi. The Whigs endeavored to cover up what they must have known to be fraud."

#### IX. LEGAL INTERPRETATIONS.

The Attorney General of the United States issued to the Federal authorities from time to time many opinions relative to the interpretation of article 14 of the Treaty of Dancing Rabbit Creek. Some of the most important are as follows:

##### 1. By R. B. Taney, Sept. 9, 1831,

"The 14th article provides for those who desire to remain and become citizens of the United States, and their title is made to depend upon a residence of five years."

"Any head of a family, if he desires to become a citizen, may avail himself of the provisions of the 14th article."<sup>55</sup>

##### 2. By B. F. Butler, Aug. 17, 1838,

"The residence of heads of Choctaw families who in due time signified to the agent their intention to remain and become citizens of the United States, or a valid excuse for non-residence, entitles them to grants pursuant to the treaty; and such grants when made are paramount to pre-emption and all other claims."<sup>56</sup>

##### 3. By Felix Grundy, Jan. 30, 1839,

"The only requisities to a title to reservations under the Treaty of Dancing Rabbit Creek indicated in the treaty, are that the persons applying be Choctaws and heads of families, and shall signify their intention of becoming citizens of the States within six months from the ratification of the said treaty."<sup>57</sup>

##### 4. By John Nelson, Oct. 21, 1844,

"The Commissioners were not authorized to award to said claimant scrip instead of land, unless it was then impossible to give to said claimant the quantity of land to which he was entitled, including his improvements or any part thereof, on the adjacent lands."

"The same Indian cannot be allowed a claim under both the 14th and the 19th articles of the Treaty."<sup>58</sup>

##### 5. By John J. Crittenden, Sept. 17, 1850,

"A Choctaw head of a family, entitled, under the 14th article of the Treaty of Dancing Rabbit Creek, to a reservation of land, who gave notice,

<sup>55</sup> *Opinions of the Attorney-General of the United States*, II., 462.

<sup>56</sup> *Ibid.*, III., 365-6.

<sup>57</sup> *Ibid.*, 408-9.

<sup>58</sup> *Ibid.*, IV., 344 *et seq.*



made the claim, and continued the residence thereon required, is entitled to a patent although the agent, whose registration a former Executive declared to be the evidence in such cases, failed to make the necessary entries, inasmuch as a sub-agent did make entry of the facts and location, and certified that to the General Land Office.<sup>77a</sup>

The High Court of Errors and Appeals of Mississippi passed upon the legality of a Choctaw claim in the interesting case, entitled *Newman vs. Doe ex dem. Harris & Plummer*. This case was appealed from the Circuit Court of Bolivar county, presided over by the Hon. F. W. Huling. It arose from an action of ejectment by Harris and Plummer against John V. Newman. The declaration contained two demises, both made on the 1st of December, 1835, one in the name of Hugh Foster, and the other in the name of Harris and Plummer. Hugh Foster, as the head of a Choctaw family, claimed the land in controversy, as a reservation by virtue of the 14th article of the Treaty of Dancing Rabbit Creek, and Harris and Plummer claimed title by deed from Foster, bearing date, the 4th of December, 1834. John V. Newman, the defendant, claimed title by virtue of location made by Jefferson College, under an Act of Congress of the 20th of April, 1832. By this act Congress granted certain lands to Jefferson College, with a right to locate and dispose of the same for the benefit of the College. In conformity to the law, the College assigned to Pearce Noland twelve hundred and eighty acres, which embraced the land in controversy. The grant was direct to Noland from the Register of the Land Office, in conformity to law, and bore date, the 21st of October, 1833.

It appeared that Foster was registered by the government agent as an applicant for citizenship, previous to the 24th of August, 1831. It was stated in a letter (which was read to the jury), addressed to the Secretary of War by a member of Congress from the State, dated September 16, 1834, that application was made by Foster to the locating agent for this reservation in October, 1833. The written application of Foster for the land, and the designation of it by the locating agent, bore date, the 3rd December, 1834. It was in proof that Foster settled his reservation in 1830, and evidence was offered on the part of the defendants to prove that he voluntarily abandoned his reservation before the expiration of five years, which evidence was re-

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<sup>77a</sup> *Ibid.*, V., 251-2

jected by the Court and exceptions taken. Foster removed from his reservation in order to avoid prosecution for murder, his family leaving his claim in December, 1835.

The defendant in error succeeded in the lower court and the case was brought before the High Court of Errors and Appeals in January, 1840. The judgment was reversed, the cause remanded and a *venire de novo* awarded. This case again came before the High Court of Errors and Appeals in November, 1844, under the title John Doe, *ex dem.* Egbert Harris *et al. vs.* John V. Newman.

The decision of the court in both instances was delivered by Chief Justice Sharkey. Besides this celebrated case there were three or four other interesting cases which involved an interpretation of the 14th article of the Treaty of Dancing Rabbit. In these decisions the following principles were announced:<sup>80</sup>

1. That the register of the Choctaw names was an official act of the agent, and was legal evidence of an intention to become a citizen according to the treaty. Under the treaty it was necessary to identify the reservation, and the application to Martin, the agent, and his endorsement on it were competent and legal evidence of the location.<sup>81</sup>

2. That the treaty conferred a legal title on the reservees whenever the land was located, and that no subsequent grant from the United States was necessary; but the title conferred was upon condition subsequent, that the reservee should reside upon the land five years from the date of the treaty, and if he voluntarily abandoned it before that time his title was lost, and that an abandonment to avoid a prosecution for a felony was voluntary.<sup>82</sup> And that the treaty required actual residence for the five years, and that occupation by an agent would not do; and moreover, that the residence was lost as soon as abandoned without the intention of returning, even though the person abandoning it had not then acquired a new domicile.<sup>83</sup> And that it was unnecessary in such a case that there should be a judicial act declaring the forfeiture; and that though the grantor in such a case might waive the forfeiture there was no evidence of the waiver here, since the United States had sold the land, and the grantee was in possession.<sup>84</sup> But if the removal was caused by force and violence the Indian would not lose his right.<sup>85</sup>

3. That it is not necessary that the reservee should have a residence or improvement on the land claimed by him as a reservation at the time of the ratification of the treaty. It is sufficient if the residence and improvement be commenced within six months thereafter.<sup>86</sup>

4. That the reservation must be in one tract and bounded by sectional

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<sup>80</sup> See George's *Digest*, I., 172.

<sup>81</sup> 4 Howard, 522.

<sup>82</sup> *Ibid.*; 7 Smedes and Marshall, 363; 4 Smedes and Marshall, 40.

<sup>83</sup> 3 Smedes and Marshall, 565.

<sup>84</sup> *Ibid.*

<sup>85</sup> 4 Smedes and Marshall, 40.

<sup>86</sup> 4 Howard, 522.

lines, but it need not all be in one section, when only one section is claimed; but it may be legal subdivisions of sections. But if not located according to this rule, it will be good if recognized by the government.<sup>87</sup>

5. That the fact that Martin was agent can be proven by parol evidence that he acted as such.<sup>88</sup>

6. That the confirmation of an irregular Indian reservation cannot be proven by parol.<sup>89</sup>

7. That actual registration of the Choctaw Indian head of a family by the United States agent, is not necessary to entitle him to a reservation under the 14th article of the Dancing Rabbit Creek Treaty. Such Indian becomes entitled to the reservation upon his signifying, within six months from the ratification of the treaty, to the agent of the United States, his intention to become a citizen, and his compliance in other respects with the treaty. The failure of the agent to register him cannot affect his right.<sup>90</sup>

8. That an Indian who has brought himself within the provisions of the 14th article of the Dancing Rabbit Creek Treaty is clothed with a perfectly legal title, which will prevail in law and equity against the patent issued by the United States subsequent to the reservation of the Indian. The patent being illegal is void at law and equity.<sup>91</sup> And the principle that the reservation is the title, and no subsequent grant is necessary is recognized.<sup>92</sup>

#### X. END OF THE CONTROVERSY.

By an Act of Congress, approved March 3, 1845, scrip was issued for one-half of the claims then remaining, the other half being retained by the government for which an annual interest of five per cent was to be paid to the claimants,<sup>93</sup> not deliverable east of the Mississippi river by the third section of the said law.<sup>94</sup>

On April 22 and November 20, 1845, instructions were sent from the General Land Office to the local offices where by law the scrip was receivable to the effect that the said officers were authorized to receive the scrip, where it might be duly assigned to preëmtors, in payment of preëmption lands, it having been held that such lands, so far as the preëmtor was concerned, were subject to private entry. At the same time they were instructed that in all other cases, the scrip could be satisfied only out of the

<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*

<sup>89</sup> 3 *Smedes and Marshall*, 565.

<sup>90</sup> 4 *Smedes and Marshall*, 40.

<sup>91</sup> *Ibid.*; 7 *Smedes and Marshall*, 780.

<sup>92</sup> 4 *Howard*, 522; 3 *Smedes and Marshall*, 565; 4 *Smedes and Marshall*, 40.

<sup>93</sup> *Executive Documents*, 1st Sess., 29th Cong., VI., 1845-6, No. 189.

<sup>94</sup> *United States Statutes at Large*.



lands which had been regularly proclaimed and offered, and were in the market subject to entry at private sales.<sup>84</sup>

By a joint resolution passed August 3, 1846, the Secretary of War was authorized to adjudicate certain claims which were left undetermined by the Commissioners for want of township maps, and to decide the same, and award land of scrip in each case, as the testimony already taken, might justify.<sup>85</sup>

As the last remnant of the Choctaws who removed from the State under the Dancing Rabbit Treaty was crossing the Mississippi river, at Vicksburg, the editor of the *Daily Sentinel* made note of this event in the following words:

"To one who, like the writer, has been familiar to their bronze inexpressive faces from infancy it brings associations of peculiar sadness to see them bidding a last farewell perhaps to the old hills which gave birth and are doubtless equally dear to him and them alike. The first play-mates of our infancy were the young Choctaw boys of the then woods of Warren county. Their language was once scarcely less familiar to us than our mother English. We know we think the character of the Choctaw well. We knew many of their present stalwart braves in those days of early life when Indian and white alike forgot disguise, but in the unchecked exuberance of youthful feeling, show the real character that policy and habit may afterwards so much conceal; and we know that under the stolid, Stoic look he assumes, there is burning in the Indian's nature a heart of fire and feeling—and an all observing keenness of apprehension that marks and remembers everything that occurs and every insult he receives—Cunni-at-a-hah!—They are going away!—With a visible reluctance which nothing has overcome but the stern necessity they feel impelling them, they have looked their last on the graves of their sires—the scenes of their youth—and have taken up their slow toilsome march with their household gods among them to their new home in a strange land. They leave names to many of our rivers, towns and counties; and so long as our State remains the Choctaws who once owned most of her soil will be remembered."

At the time of the publication of this pathetic paragraph the unfortunate incident to which this paper is devoted was rapidly drawing to a close. The public records of the county contain only a few references to the Choctaw land claims after this date. The Choctaw Indians who remained in Mississippi received very little public attention until after the lapse of half a century. This closing chapter in their history will be found in the following contribution in this volume.

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<sup>84</sup> *Ibid.*

<sup>85</sup> *United States Statutes at Large*, IX., 114.

## APPENDIX.

OFFICIAL DOCUMENTS CONTAINING BRIEF SUMMARY OF FACTS  
RELATIVE TO CHOCTAW CLAIMS.WAR DEPARTMENT,  
OFFICE OF INDIAN AFFAIRS, *Apr. 25, 1846.*

SIR: I have the honor to report, in obedience to your direction, on the resolution of the House of Representatives of the United States of Dec. 31, 1845, requesting the President of the United States to cause to be communicated to that House information in relation to claims arising under the Choctaw Treaty of 1830, which have been presented to, and allowed or rejected by, commissioners appointed in pursuance of the laws of March 3, 1837, and Aug. 23, 1842.

The resolution, so far as the information required by it, is in possession of this office, may be subdivided and answered as follows:

1st. The number of claims presented to the board appointed under the Act of March 3, 1837, and continued under the law of Aug., 1838.

Answer: 1,349.

2d. The number of claims presented to the boards organized under the Act of August, 1842.

Answer: The Commissioners appointed in pursuance of said law do not name, in their reports, the number of claims submitted to them.

3d. The number of claims approved, and the number of claims rejected.

Answer: The board under the act of 1837, reported on 261 claims, and as follows: Allowed 165, rejected 65, recommended to the Department for its favorable consideration 26, and unfinished 5. The commissioners, under the act of 1842, have not reported the claims rejected by them—the number allowed by them is 1,023. The Department in its revision of the reports aforesaid, allowed 1,009 and rejected and suspended 275. The last board, in their final report to the President state that 175 claims were unadjudicated; 108, because the township map, showing sales of the lands claimed by the Indians had not been submitted to them, and 57, in their opinion, not being embraced in the terms of the law of 1842.

4th. The quantity of land required to satisfy all the claims allowed.

Answer: If all the claims allowed by the respective commissioners had been admitted by the Department, and land actually allotted to the claimants, it would have required to satisfy them 1,380,960 acres.

5th. "The amount of land actually assigned the Indians by virtue of their continued residence, according to the requirements of the treaty."

Answer: 163 sections, equal to 104,320 acres.

6th. The amount of scrip issued for those Indians who had been deprived of their lands.

Answer: Scrip has been issued for Indians of the class reported by commissioners, as those who have been deprived of their lands by a sale of the same by the Government to the amount of 569,200 acres, or \$711,500.00. This sum is for one-half of the claims only, the remaining half being retained by the Government; and an annual interest of 5 per cent is to be paid to the claimants, in pursuance of a law approved March 3, 1845.

With reference to the following questions: "In those cases where lands have been assigned the Indians, what protection against fraud and deception is afforded the Indians by the Government in their alienation of the same; what proof is required that a fair consideration has been paid by the purchaser to the Indians; and what is, in a majority of cases, deemed a fair consideration to render a deed satisfactory to the department?" I

have to state, that under the terms of the 14th article of the treaty, and an opinion of the Attorney-General of the United States, it has been the uniform practice of the department to direct the patent for lands allotted under said article to be issued in favor of the respective reservees entitled to the same; after which the department entertained no jurisdiction in the premises. The interests of the reservees (they being regarded as citizens of the States in which they resided) were alienated, if at all, under the laws of the States within which the land is located.

The remaining questions respecting the transfer of the scrip properly pertains to the business under the direction of the Commissioner of the General Land Office, to whom a copy of the resolution was sent, in accordance with the direction of the President. But as incidental to the subject, it may not be improper to state that this department has decided that on the *delivery* of the scrip to the Indians entitled to it, its authority over it has terminated.

Very respectfully,

W. MEDILL,  
*Commissioner of Indian Affairs.*

Hon. Wm. L. Marcy.  
Secretary of War.

GENERAL LAND OFFICE, Jan. 8, 1846.

SIR: The resolution of the House of Representatives adopted on the 31st ult., relative to the Choctaw Indian Claims, and referred to this office for report, calls, among other matters, for information as follows, being the portion of it referable to this office:

"In those cases where scrip was issued, what guards against imposition are thrown around the transfer of the same, and what sum is generally esteemed by the department a satisfactory consideration for the same; and what are the regulations for the receipt of said scrip in payment of lands? How much of scrip has been yet received, and for what description of lands? Will the said scrip be received in payment, whether for lands subject for private entry, for payment of pre-emption entries or for any lands which have not been offered at public sale?"

In answer to this portion of the resolution, I have the honor to report, herewith, copies of the instructions from this office of the 22d of April and the 20th of November last to the local offices, at which, by law, the scrip is receivable. Those instructions were given to the land offices in order that satisfactory evidence might be required that the holder of the scrip was legally entitled to it, and the United States, therefore, bound to satisfy the same with land; but as this office had no control of the Indians, or the agents of the United States entrusted with their business, no stipulations as to the sum to be paid for the scrip were by me communicated.

By the instructions, it will be seen that the land offices are authorized to receive the scrip, where it may be duly assigned to pre-emptors, in payment of pre-emption lands, it having been held that such lands, *so far as the pre-emptor is concerned*, are subject to private entry; but they are instructed, at the same time, that, in all other cases, the scrip can only be satisfied out of lands which have been regularly proclaimed and offered, and are in the market subject to entry at private sale.

Exception, however, having been taken to this construction of the law, which admits the reception of the scrip in payment of the pre-emptions, the question has been laid before the Secretary of the Treasury, with a



view to obtain the opinion of the Attorney-General, and the instructions of the former; and should the decision be overruled, supplemental instructions will, of course, be issued accordingly.

With great respect, your obedient servant.

JAS. SHIELDS, *Commissioner.*

Hon. Robert J. Walker,  
Secretary of the Treasury.

(See *Ibid.*)

DESCRIPTIVE LISTS OF SCRIP ISSUED TO THE PARTIES ON ACCOUNT OF CLAIMS TO LAND UNDER 14TH ARTICLE OF CHOCTAW TREATY OF 1830, WHICH HAVE BEEN EXAMINED AND ALLOWED UNDER THE ACT OF CONGRESS APPROVED AUG. 23, 1842, ENTITLED "AN ACT TO PROVIDE FOR THE SATISFACTION OF CLAIMS ARISING UNDER THE 14TH AND 19TH ARTICLES OF THE TREATY OF DANCING RABBIT CREEK, concluded in September, One Thousand Eight Hundred and Thirty.

Document A, being a list descriptive of scrip issued to heads of families, children over ten years of age, at date of treaty, 1830, with the Choctaws, and children under ten years of age at that time, on claims reported on by Messrs. Claiborne and Graves.

137 heads of families.

166 children over 10 years of age.

152 children under 10 years of age.

Document B, being a list descriptive of scrip issued to heads of families under 14th article of Choctaw treaty of 1830. Claims reported on by Murray & Vroom (74).

Document B, No. 1, being a list descriptive of scrip issued to children were over 10 years of age at date of treaty, 1830, with the Choctaws. Claims reported on by Murray and Vroom, (148).

Document B, No. 2, being a list descriptive of scrip issued to children who were under 10 years of age at date of treaty of 1830 with the Choctaws. Claims reported on by Murray and Vroom (112).

The above extracts are taken from *Executive Documents*, 1st Sess., 29th Cong., VI., 1845-6, No. 189.



## THE REMOVAL OF THE MISSISSIPPI CHOCTAWS.

BY JOHN WILLIAM WADE.<sup>1</sup>

Several hundred years ago in a land to the west of us, Chocta, we are told, became in his youth the leader of the people who have ever since borne his name. This youth and his people lived close to the bosom of mother earth, and were free children of

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<sup>1</sup> John William Wade was born on a small farm about five miles south of Morton, Scott county, Miss., on October 14, 1877, the eldest of eight children. His parents were Azariah LaFayette Wade and Susan Ellen (Lingle) Wade. On his mother's side Mr. Wade is of English and Dutch descent. His paternal ancestors emigrated from Ireland to this country in colonial times, settling in Maryland. They moved through the Carolinas and Georgia to Mississippi soon after its admission to the Union, locating in what afterwards became Jasper and Jones counties. Mr. Wade's grandfather, Isaac Jackson Wade, with his several brothers enlisted in Company A of the Fortieth Regiment of Mississippi Volunteers in the Confederate army, some of whom fell fighting for the Southern cause. His paternal grandmother was Miss Adaline Tullos, a cousin of the mother of Senator A. J. McLaurin; another of her cousins was mother of the Rev. M. T. Martin, the late Baptist evangelist. Soon after the war Isaac Jackson Wade moved with his family to Scott county, Miss. Mr. Wade's father located on a woodland, where he spent his life improving his little farm. Being a poor man, he was able to give his children only limited educational advantages. His eldest son, William, entered the country schools at the age of nine, where he spent from two to three months a year, the remaining portion of his time assisting his father in farm work. Beginning at the age of sixteen he taught in the country schools during the winter months, and helping on the farm during the remainder of the year. In September, 1896, he secured the principalship of the Pulaski High School, which position he held for two sessions. For about three months in 1897 he was a student in Millsaps College. In 1898 he entered the University of Mississippi, where he was a student for four successive sessions, paying his expenses by teaching country schools during the summer vacations. During this time Mr. Wade completed three courses of study, taking his bachelor's degree in June, 1901, to be followed a year later with the degree of Master of Arts and Bachelor of Laws. In the law school he was graduated with special distinction at the head of his class. In July, following his graduation, he entered upon the practice of law at Wilburton, Indian Territory. The following December he was appointed Mayor of Wilburton, a coal mining town of 5,000 inhabitants. In the following April he was chosen to succeed himself by a vote of the people. In September, 1903, because of the recent death of both of his parents, Mr. Wade found it necessary to return to Mississippi. The autumn months he spent at the old home helping to gather the crop. In December, 1903, he and one of his former school-mates opened a law office at Greenwood, Miss., under the firm name of Whetstone and Wade.—EDITOR.



wild nature. They were then as a race in their youth, full of endurance, courage and daring. Prompted by youth's ambition, they faced the east and traveled toward the rising sun in quest of a new home, when, in the course of their wanderings, they reached what is now the State of Mississippi, the Great Spirit bade them stop; for they had found the happy hunting ground for which they were in search. In time there arrived explorers from several countries of Europe, which countries at once laid claim to their forests and rivers, and soon began to found colonies in their midst. The forests were deep and the prairies wide. Wild nature was lavish in her supply; there was room and abundance for all. When one race suffered because of scarcity the other divided with them their fuller supply. Thus the white man and the red man lived together in peace, so much so that in after years both races could boast that they had never taken up arms the one against the other.

But a separation of the two races was inevitable. They represented two entirely distinct species of mankind. With the Choctaw, wild nature was his parent and master, affording him sustenance, recreation and happiness, furnishing him his all; with the white man, wild nature was his servant, furnishing him only a medium for improvement. The Choctaw loved the forest, the white man loved the field. Conditions necessary for contentment and happiness for the one brought dissatisfaction and misery to the other. Thus unintentionally there arose between the two races a contest for supremacy. In this contest the Choctaw for a time had the advantage, but the white man was the more aggressive, and the Choctaw was forced to give way. The United States Government began as early as November, 1805, to make treaties with the Choctaws looking forward to the ultimate acquisition of their territory. This movement culminated in the Treaty of Dancing Rabbit Creek, signed, September 27, 1830, the terms of which provided for the removal of the Choctaws to the west of the Mississippi river to their reservation in what is now known as the Indian Territory.

That the Treaty of Dancing Rabbit Creek was the result of false representations and bribery on the part of the agents of the United States Government and deceit on the part of certain of the Choctaw chiefs is generally conceded. Many of the Choctaws did

not want to give up the happy hunting grounds of their fathers, and shrewd diplomacy was necessary to secure their ratification of the treaty. A supplemental treaty had to be made with them the next day, September 28; but probably the one thing most conducive in securing the ratification of this final agreement by the Choctaws finds expression in the 14th article of this instrument. The 14th article of the Treaty of Dancing Rabbit Creek is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement, of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This 14th article furnishes the basis of what has ever since been known as the Choctaw claims. These claims have been the source of much speculation and infamous land frauds, and have developed by Acts of Congress in recent years into what is known in legislation applicable to the "Five Civilized Tribes" of the Indian Territory as the "Rights of Mississippi Choctaws." Only an incidental reference will be made to the Choctaw claims in passing to a discussion of the "Rights of the Mississippi Choctaws," a consideration of which together with the removal of the Mississippi Choctaws by virtue of these rights is the purpose of this narrative.

While the Choctaws, as we may believe, in the physical vigor of their youth, full of courage and hope, had journeyed a long distance to their new home, yet in the year 1830, when they began their march to the West, it was in every part a slow and tardy movement. It was not until they were threatened with force that they ever began to move, and they had to be encouraged all the time. It must have seemed to them, facing the West, and traveling toward the setting sun, that their race had turned the meridian of life, and was traveling toward its close. However it may have

seemed to them, such has been the case; and while the remaining remnant of our natives have been carried to the West to join their ill-fated brothers who had gone years before in order that they might share together a handsome fortune given by the United States Government in lieu of what had been taken from their race, yet that fortune is not calculated to do them much good. It is not fertile fields nor handsome houses that these children of nature want or need, but rather the freedom of wide woods, where they live at ease in their wretched wigwams, satisfied without exertion.

It was in this condition of indolence and ease that the white man found the Choctaw in his home to the east of the Mississippi river. Doubtless it was represented to him in the year 1830 that in exchanging his home in Mississippi for his home in the West he was finding another wild country. Probably reports of such a country sent back from the West to those left behind in Mississippi helped to keep up the migration westward for several years.

But in spite of earnest efforts made to remove all Choctaws from the State of Mississippi many remained. These came to be called Mississippi Choctaws to distinguish them from those who had moved to the West. They sought to secure homes and become citizens of the States as was provided in the 14th article of the Treaty of Dancing Rabbit Creek. Had the provisions of this treaty been carried out by the United States Government through its Indian agent, thousands of acres of land throughout southern and central Mississippi in addition to what was actually received by the Mississippi Choctaws would have belonged to them by right of patent from the United States Government. It is highly probable that many of them would have sold their lands to white people, but at best the public domain of the State would have been greatly diminished. But patents to these lands were not issued to the Mississippi Choctaws, save only in few instances; and as there were but these few reservations on file in the United States land office to the credit of the Mississippi Choctaws, the public domain has since been preëmpted and is owned by white people. The Mississippi Choctaws, having lost their homes in Mississippi, made application at different times to regain their rights; but in these efforts they were the easy prey of unscrupu-



lous land speculators, who wrought such bold and dastard frauds that the people defeated their claims in the interest of the public good. Deprived of their homes, the Mississippi Choctaws in most instances lived in indolence and poverty, usually as squatters or trespassers on Government land. They sometimes gathered themselves together into small colonies of a few hundred each, lived in tents or huts, cultivated small patches of ground, hunted, fished and made and peddled cane baskets. These baskets they made in convenient sizes and shapes, and bartered to white ladies for household use, getting in return a basketful of some article of food, as meal, meat, or potatoes. In their little homes they had but scanty property; a few pots, some rugs, quilts and sometimes a bed constituted about all their household goods. As to live stock they had several dogs and one or more "Indian ponies." These ponies are small, and usually fitted for no work save that of their master, to whom they are a great convenience and a nominal expense, as they make their own living by grazing when not in use. Such a colony of a few hundred Mississippi Choctaws was known to the writer in the northeastern part of Scott county, Mississippi, where they kept up many of their old customs. They had churches and a school, their teacher being paid by the State without expense to them.

It was thought that the Choctaw land claims had been settled about the year 1845, and the subject received but little, if any, further consideration for about fifty years thereafter. The revival of these old claims came about in this way. The Indian reservations in the West had come in late years to contain many white people, so whatever may have been the original intention of Congress as to the permanency of the Indian reservations as such, the inhabitants of the territory occupied by what is now known as the Five Civilized Tribes, to wit: Cherokee, Seminole, Creek, Choctaw and Chickasaw, petitioned Congress for the passage of laws looking toward the winding up of tribal affairs in the aforesaid tribes, preparatory for an organized territory to develop finally into a state. As a result of this overture to Congress an Indian Commission was created, known as the Commission to the Five Civilized Tribes. This Commission on the 23rd day of April, 1897, made an agreement with commissions representing

the Choctaw and Chickasaw tribes, known as the Atoka Agreement. This agreement amended and enacted into law as amended by Congress was embodied in what is known as the Curtis Bill, and approved by the President, June 28, 1898.<sup>2</sup> This bill was submitted to the Choctaws and Chickasaws, and by proper manipulation their ratification of it was secured by ballot, August 24, 1898, and immediately thereafter it became law. It provides for the winding up of the tribal governments as follows:

"It is further agreed, in view of the modification of legislative authority and judicial jurisdiction herein provided, and the necessity of the continuance of the tribal governments so modified in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from the fourth day of March, eighteen hundred and ninety-eight. This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need or desire for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a State to the Union. \* \* \*

As this law in its intent purported to be a final settlement of all Indian claims of the aforesaid tribes, including the Choctaws, the old claims of the Mississippi Choctaws were revived. Congress was faced by these facts. The treaty of 1830 had provided for all Choctaws desiring to remain in Mississippi a home without cost to them upon their complying with the requirements of that treaty. Hundreds of Choctaws had made application for their homes and had done, as best they knew how, all that was required of them to secure their homes, and were defeated in their claims only through the fault of the United States Indian Agent. In other words, that the Mississippi Choctaws had not secured their homes in Mississippi in 1830 according to treaty stipulations was due to no fault of theirs, and the United States Government was still at least under moral obligation to perform its part of the original contract. But at this late day it was impossible to supply these homes in Mississippi for lack of sufficient public domain. Furthermore the lands in the Choctaw and Chickasaw reservations in the Indian Territory were held in common by the two tribes. No Choctaw or Chickasaw owned a foot of land in the Indian Territory exclusive of any other member of these two tribes, but owned only an undivided interest in common with all other members of these two tribes to any and all lands reserved to the Choctaws and Chickasaws. The claims of the Mississippi

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<sup>2</sup> 30 U. S. Stat., 495.

Choctaws were settled not by giving them the lands promised them in Mississippi, but in lieu thereof lands in either the Choctaw or Chickasaw reservations in the Indian Territory. Nor was the Mississippi Choctaw given the same number of acres in the Indian Territory that was promised him in Mississippi, but was given an equal right, upon his proving his claim, with the Choctaws who had already moved to the Indian Territory. The first embodiment of the authority for settling the claims of Mississippi Choctaws in the manner just outlined is found in the 21st Section of the Curtis Bill. This section in providing for the making of rolls of citizenship of the several tribes provides for Mississippi Choctaws as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights to the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The commission referred to in the above paragraph is the commission known in law as the Commission to the Five Civilized Tribes, but in popular parlance called the Dawes Commission from its first chairman, Henry L. Dawes, of Massachusetts. This Commission with headquarters at Muskogee, Indian Territory, began at once the onerous task of making the tribal rolls provided for in section twenty-one of the Curtis Bill. The necessity of these new tribal rolls is evident. The old rolls of citizenship as made by each tribe were burdened with fraudulent claimants, many of whom had no rights whatever as Indians. To make these new rolls it became the duty of the Commission to pass upon every claim for Indian citizenship filed before it. Plenary powers were vested in the Commission in the performance of its functions. Each claim that passed the approval of the Commission entitled its owner to an allotment in severalty of the lands and annuities of his tribe, and with the Choctaws an allotment in either the Choctaw or Chickasaw lands, these two tribes holding their lands in common. "Full bloods" experienced but little if any difficulty in securing the approval of their claims by the Commission; the greatest difficulty arose over the large number of claims for citizenship made by the mixed breeds and those who



had no Indian blood at all, many of whom resorted to the blackest frauds to establish their claims. The Commission rejected many of these fraudulent claims. Some rejected claimants instituted proceedings in the United States District Courts for the Indian Territory under the Act of June 10, 1896,<sup>3</sup> and came to be known as "Court Claimants." The District Courts permitted actions to establish Indian citizenship to be instituted before them *de novo* and prosecuted to decision. Some Court Claimants were reinstated by the court, others were again rejected. Additional evidence was sometimes secured and new trials granted. Appeals lay from the Commission to the Secretary of the Interior, and from the United States District Courts to the Court of Appeals of the Indian Territory and probably to Higher Courts, including the Supreme Court of the United States. These appeals were sometimes prosecuted. In this way some court claimants went from court to court with their claims until they had exhausted all their means. A discontented and purse-ridden rejected court claimant once compared the Indian Territory to a cow; the citizens were holding her by the horns and the Court Claimants by the tail, while the officials and lawyers got all the milk.

But no roll of Choctaw citizenship could be complete until the Mississippi Choctaws were given an opportunity to establish their rights to citizenship as provided by Section twenty-one of the Curtis Bill. Living as he did in the most out of the way place in Mississippi, in complete ignorance of what was taking place outside of his immediate neighborhood, the average Mississippi Choctaw might have never known, if left to himself, of this late revival of his almost forgotten claim. Furthermore, in order for him to be enrolled it was necessary for him to appear in person before the Commission. So it was thought best for the Commission to send representatives to Mississippi to instruct the Mississippi Choctaws in the matter of their claims and to afford them an opportunity for filing their claims and making the necessary proof of their rights to enrollment. To carry out this purpose, the Commission opened an office in Meridian, Miss., and for several months devoted their time to the applications of Mississippi Choctaws. Hundreds of them appeared in person before the Commission with their witnesses. Their applications were

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<sup>3</sup> 29 U. S. Stat., 321.

formally filed, and their evidence recorded by the Commission. But to the applicants the proving of claims was a new business, and not all of them made the proof that they could have made had they only known how to make it. These filings together with the evidence was carried by the Commission back to its main office at Muskogee, Indian Territory, there in time to be passed upon. If the Commission found that the evidence of record in any case was not sufficient to entitle the claimant to enrollment, he was notified of the fact and given further opportunity to make his proof. If sufficient evidence was furnished the Commission in time, the claimant was enrolled, otherwise the claim was dismissed.

With the appearance of the Mississippi Choctaw before the Commission certain questions of procedure had to be determined. By referring to section twenty-one of the Curtis Bill it will readily be seen that much was left to be supplied by the Commission. First, what Mississippians were entitled to claims of Indian citizenship? In this particular the Commission held, (1) that the claimant must be a Choctaw or a descendant of a Choctaw; (2) that he or some of his ancestors before him must have made application or sought to make application, or made some effort or done some overt act toward making application, to Judge Ward, the United States Indian Agent, who was sent to Mississippi by the United States Government during the six months immediately following the ratification of the treaty of 1830 for the purpose of carrying out with the Choctaws remaining in Mississippi the provisions of the 14th article of the aforesaid treaty, for a home for himself in Mississippi; (3) that he did not receive that home or any in lieu thereof from the United States Government; and (4) that he had not become a permanent *bona fide* citizen of the Indian Territory prior to June 25, 1898. For a time full-bloods and descendants were regarded by the Commission as being on the same footing. Descendants were allowed to file their claims by proving one-eighth Choctaw blood or even one-sixteenth Choctaw blood, and in some cases probably less. In this way many white people and negroes got their claims on file before the Commission. It was thought too at first that full-bloods and descendants were both required to show some semblance of compliance with the requirements of the 14th article of the

treaty of 1830. The Supplemental Treaty of 1902 to a great extent reversed this policy by making a vast difference in the status of the claims of Mississippi Choctaws as to whether they were full-bloods or descendants. This new law virtually established the claims of all full-bloods upon their proving that they were such, which proof was easily made by profert of the claimant before the Commission. But while the new law greatly aided the full-bloods, it virtually eliminated all descendants from any further consideration. The purpose of the law was to cut down the number of Mississippi Choctaw claimants, and it served well the purpose for which it was intended. That the Commission was being imposed upon by the Mississippians who were not Choctaws was evident. Furthermore there was opposition among Indian citizens to the claims of Mississippi Choctaws; not because they did not love their Mississippi brothers, but because each new name on the final roll meant a corresponding reduction in each individual share, each increase in the divisor meaning a proportionate decrease in the quotient, the dividend being a constant quantity.

Another question that had to be decided by the Commission was the kind and amount of evidence necessary to establish the claim of a Mississippi Choctaw. In making proof of Indian blood the physical features of the claimant were considered, sometimes to the practical exclusion of all other evidence. Coal-black negroes were sometimes dismissed by the Commission with the remark that the law was intended for Indians and not for negroes. But evidence other than physical features was usually required to establish Indian blood. This evidence was furnished by the affidavits of one or more persons who knew the claimant, and could testify to his Indian ancestry. The most difficult matter, however, to make proof of was the fact that the claimant or his ancestor had conformed to the 14th article of the treaty of 1830. A few old Choctaws remembered Judge Ward, the Indian Agent, and remembered going before him to make application for their Mississippi homes in 1830 and 1831, but in most instances the making of this application was purely a matter of tradition, and in some families the tradition had died out. In many instances the imagination was doubtless exercised more than the memory in furnishing evidence on this point. The Commission was lib-



eral with the claimants in admitting evidence of this fact, and permitted parol, heresay, custom, tradition, or even evidence of an opportunity for making such application, or position wherein such application was probable. The Supplemental Treaty in 1902 almost entirely eliminated this requisite to enrollment as Mississippi Choctaws.

The proceedings of the Commission were in their nature like the proceedings of a regular civil court. Each claimant was regarded as a party plaintiff, and the Choctaw and Chickasaw Nations as parties defendant. Upon the filing of a claim, legal notice had to be given the defendant tribes, and one of the assignments of error made by the "Citizenship Court" in the test case of *Riddle et al. vs. Choctaw and Chickasaw Tribes of Indians* was the failure of the claimants to give the proper notice of the institution of *de novo* proceedings in the United States Court to the Chickasaw Tribe of Indians, one of the joint defendants.

Reference has already been made to the many complications arising from the conflicting claims of the persistent Court Claimants. To undo this mischief and to cure the defects, to bring order out of chaos, Congress created in 1902 what is known as the "Citizenship Court." This court consisted of three judges whose duty it should be to settle the legality of the conflicting Indian claims. This court organized in January, 1903, at South McAlester, Indian Territory, and began its work at once. The test case above referred to consumed its time for the first few months, and was intended to determine the status of the many court claimants who after having been turned down by the Commission had been reinstated by the United States Court. The decision of the Citizenship Court in this case invalidated all that had been done by the United States Court, holding that said court had no jurisdiction over citizenship claims instituted *de novo*, and that its jurisdiction was limited in these matters merely to a review of the action of the Commission. There were other assignments of error in the opinion, chief of which was the lack of proper process or notice already referred to.

The effect of this decision was to open up anew all the old claims turned down by the Commission that had been carried to the United States Courts. This new court was granted jurisdiction to hear these claims and to determine the justice of them, its

determination to be final. Great dissatisfaction was felt because of the court's opinion—those who had been reinstated by the United States Court had the greatest grievance, but there was general dissatisfaction that these old matters were to be reopened. Some of the best lawyers questioned the constitutionality of the law creating the court, and others thought that the court had exceeded its jurisdiction in its decision. These lawyers preferred to ignore this court completely, fearing that to appear with their causes in this court would waive their rights to question either the regularity of the court or its decision in the test case. Nevertheless, this court kept grinding away, day after day, establishing the claims of some, dismissing the claims of others. The court claimant found himself in an awkward dilemma. If he filed his claim with this court and lost, its decision was final and he was precluded from questioning the court or its decision in any tribunal; but there was no other tribunal to consider his claims, and this court was created for only twelve months, and if his claim was not decided within that time no further provision was made for its consideration. But the "Citizenship Court" won. Its actions were ratified by Congress and a further lease of time given it in which to complete its work.

Mention has already been made herein of the Supplemental Treaty with the Choctaws and Chickasaws. This treaty was an act passed by Congress, approved July 1, 1902, and ratified by the Choctaws and Chickasaws in September following by a popular vote. In this act the rights of Mississippi Choctaws are better defined, and the rulings of the Commission find expression herein as law. As the fullest and latest expression of the rights of Mississippi Choctaws is found in sections forty-one to forty-four of this act these sections are given in full. They are as follows:

41. All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article fourteen of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the said special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the

Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all fullblood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said 14th article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eight, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll.

42. When any such Mississippi Choctaw shall have in good faith continuously resided upon the lands of the Choctaw and Chickasaw nations for a period of three years, including his residence thereon before and after such enrollment, he shall, upon due proof of such continuous, bona fide residence, made in such manner and before such officer as may be designated by the Secretary of the Interior, receive a patent for his allotment, as provided in the Atoka agreement, and he shall hold the lands allotted to him as provided in this agreement for citizens of the Choctaw and Chickasaw nations.

43. Applications for enrollment as Mississippi Choctaws, and applications to have land set apart for them as such, must be made personally before the Commission to the Five Civilized Tribes. Fathers may apply for their minor children; and if the father be dead, the mother may apply; husbands may apply for wives. Applications for orphans, insane persons, and persons of unsound mind may be made by duly appointed guardian or curator, and for the aged and infirm persons and prisoners by agents duly authorized thereunto by power of attorney, in the discretion of said Commission.

44. If within four years after such enrollment any such Mississippi Choctaw, or his heirs or representatives if he be dead, fails to make proof of such continuous bona fide residence for the period so prescribed, or up to the time of the death of such Mississippi Choctaw, in case of his death after enrollment, he, and his heirs and representatives if he be dead, shall be deemed to have acquired no interest in the lands set apart to him, and the same shall be sold at public auction for cash, under rules and regulations prescribed by the Secretary of the Interior, and the proceeds paid into the Treasury of the United States to the credit of the Choctaw and Chickasaw tribes, and distributed per capita with other funds of the tribes. Such lands shall not be sold for less than their appraised value. Upon payment of the full purchase price patent shall issue to the purchaser.

Such in brief is a summary of the law, and some of the legal fights that the Court Claimants were making in order to establish their claims to Indian citizenship. But while the lawyer was busy in the forum, the real estate agent was busy in the field. Both lawyer and real estate agent seem to have



thought that they could bestow a greater benefit on all concerned by dealing with the Mississippi Choctaw located in Mississippi, and directed their labors accordingly. For a time the lawyer worked by himself, and by means of letter writing kept as many as a half dozen or more of these claims on his books. These few claims in connection with his other practice was about all that he could well attend to. But business grew, and competition sharpened. The work was not being done fast enough; dreams of great fortunes spurred the lawyer to the field. The Choctaw was too far away in his home in Mississippi, some one must needs be on the ground, since a face-to-face and heart-to-heart campaign would bring greater results. Meantime the real estate agent on his own initiative, had gone into the field. The agent soon found that he must have a lawyer, and the lawyer was soon convinced that he must have an agent. Seeking each other they came together; partnerships were formed, and united they went forth to enrich the Mississippi Choctaw, and incidentally (?) to exploit him out of his fortune.

For a time this practice was regarded by lawyers as legitimate and professional. This opinion was held during the years 1899 and the two years following, when only descendants were interested in the securing of their allotments, and before the interest of the full-blood, had been enlisted. These descendants were frequently white men of means, and were able to pay a cash fee. In these instances the lawyer charged a reasonable fee, and pursued the even tenor of his way as in his other business. But the security of the claims appeared to claimants as more and more uncertain, and they soon preferred to spend no further money on uncertainties. Besides, the claims of clients with ability to pay had soon all been filed, and only contingent fees could be had. These fees were contingent, of course, on the final success of the claim, and as the contingency was great the fee was likewise heavy. A certain part of the allotment was to be given as a fee, and a contract to that effect was entered into. For a time even yet only a small part of an allotment was attempted to be contracted away in this manner, but the fee was in a much greater proportion than the work to be done. If at any time anyone in the work felt scrupulous because of extortion, he probably justified himself with the thought that

he needed a premium to compensate himself for the hazard he was running of not getting anything, and eased his conscience by recalling the fact that others were doing the same thing.

It required but a short time for the advocate and the agent to make a fortune. The agent made a trip to Mississippi and rode about the country, writing contracts with the Choctaws. When he had written a hundred or more, he was probably satisfied, and returned home, his fortune made. He was the owner on his part by virtue of his contracts of a few thousand acres of land to be selected by himself from the fertile prairies and valleys of the Indian Territory. But dozens of other real-estate agents were dreaming the same dreams; and probably in less than a month's time one of them entering the same Indian village, took up the old contracts and wrote new ones, thus sweeping away all the realities of the great fortune of the first dreamer, only in his turn probably to have his own claims to wealth obliterated in like manner by the next agent, a few days later. When it was known that the contracts had been taken up by others, there was confusion in the partnership. The lawyer blamed the agent for leaving his work only half done, and the agent blamed the lawyer for not furnishing him a contract that would hold the Choctaw. In fact neither could blame the other. The agent had done his best to convince the Choctaw, and the lawyer had furnished an ironclad contract. But how could the ignorant Choctaw be convinced when he did not understand, and of what benefit is an ironclad contract when it cannot bind one of the parties to it? All that was left to these firms of the fortunes, so recently amassed, was a bit of experience, bought perhaps at the expense of a few thousand dollars, to say nothing of the time and labor thrown away. Sometimes a second effort was made, probably with better success; the more cautious, however, felt contented with their first experience.

After September, 1902, when the Supplemental Treaty became law, providing that all full-bloods in Mississippi were entitled to allotment in the Indian Territory irrespective of their conformity to the 14th article of the treaty of 1830, the eyes of fortune seekers were turned toward the full-bloods. Herebefore no exclusive effort had been made in their interest,

because of certain difficulties. Full-bloods could not be aroused to any great extent by the arguments of the real estate agents, and frequently they were utterly indifferent to all inducements held out to them. The country was too far away, and the claims were too vague for their indolent and ignorant minds to comprehend, and when once their ardor was kindled it was soon cooled off. These facts account for the repudiation by them of their contracts with one agent upon the appearance of another. But probably a still greater difficulty, experienced in the removal of the full-bloods, was their extreme poverty. Not only was it impossible to secure any advances for services to be rendered them in the prosecution of their claims, but nothing could be hoped for till the claims were finally consummated, and the claimants were *bona fide* residents of the Indian Territory, securely located on their allotments. Nor was this all. As the Choctaws were unable to move to their western home, money had to be advanced to them from the very start. They probably required some small sums at the outset as an earnest, their transportation had to be paid to the Indian Territory. They had to be clothed and fed in their new home for some time after their arrival, and money would have to be advanced in order to sustain them and their families as well as to improve their allotment. These impediments were too great for the small concerns which had heretofore been so persistent in helping the Mississippi Choctaws perfect their claims. Some smaller concerns went out of business; others merged into larger establishments, in which the original promoters furnished the experience and usually worked for a salary. In this way united action on a larger scale was resorted to for the removal of the full-bloods. To meet this demand corporations were created, capitalized at hundreds of thousands of dollars, and authorized to engage in prosecuting the claims of the Mississippi Choctaws and in locating them on their claims. Agents were sent into the field and lawyers, into the forum. The lawyer and the agent both realized more than when working for themselves, and generally conducted a more legitimate business. The money advanced soon collected the Mississippi Choctaws with their families at their nearest railway stations. Special arrangements were made with railroad officials for through coaches



and cheap transportation. A coach was loaded with Mississippi Choctaws and headed for the Indian Territory. That carload was landed as is a drove of Kentucky mules, the goods were delivered and the agent was off at once for another carload. This removal was kept up during the six months of 1902 and 1903 provided for in the Supplemental Treaty. As the most important work of this kind was done by a concern with headquarters at Ardmore, Indian Territory, the greater number of Mississippi Choctaws found themselves in the vicinity of that city. There they were cared for after a fashion until the land offices were opened for allotment.

Here we leave for a time these modern Emigration Societies and their emigrants, to revert to the Supplemental Treaty for a short consideration of the laws authorizing and defining allotments. All incorporated towns and town sites were reserved from allotment. In like manner were the rich coal fields and beds of asphalt excluded from division. Provisions were made for a thorough survey and an accurate location of lands containing these mineral beds, and these lands not to exceed a certain number of acres were segregated and excluded from allotment. These coal and asphalt deposits together with the lands covering them were to be sold subject to the then existing leases in accordance with the terms of this law, and the proceeds to be added to the Choctaw and Chickasaw annuity for equal per capita distribution after allotment. Like provisions were made for the sale of townsites, and for like disposition of the funds resulting from these sales. After making these reservations this act approximated the number of successful claimants, including Mississippi Choctaws, and divided the territory among them, thus defining an allotment of land. Sections eleven and twelve of this act define an allotment as follows:

11. There shall be allotted to each member of the Choctaw and Chickasaw tribes, as soon as practicable after the approval by the Secretary of the Interior of his enrollment as herein provided, land equal in value to three hundred and twenty acres of the average allotable land of the Choctaw and Chickasaw nations, and to each Choctaw and Chickasaw freedman, as soon as practicable after the approval by the Secretary of the Interior of his enrollment, land equal in value to forty acres of the average allotable land of the Choctaw and Chickasaw nations; to conform, as nearly as may be, to the areas and boundaries established by the Government survey, which land may be selected by each allottee so as to include his improvements. For the purpose of making allotments and designat-

ing homesteads hereunder, the forty-acre or quarter-quarter subdivisions established by the Government survey may be dealt with as if further subdivided into four equal parts in the usual manner, thus making the smallest legal subdivision ten acres, or a quarter of a quarter of a quarter of a section.

12. Each member of said tribe shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to one hundred and sixty acres of the average allotable land of the Choctaw and Chickasaw nations, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of certificate of allotment, and separate certificate and patent shall issue for said homestead.

To make one's allotment was known in popular speech as "filing on one's claim." The land was graded according to its quality into about five or six classes. If a citizen took all of his land in the first or best class, he was entitled to only about one hundred acres; if he took all in the last or poorest class he got more than a thousand acres. Each citizen was free to make his selection wherever he saw fit and to take whatever class or classes of land he wanted, provided the land selected had not already been filed on, and even then he was permitted to institute a contest. To accomodate the citizens in making their allotments, two land offices were established by the Commission in April, 1903,—one at Atoka in the Choctaw Nation and one at Tishomingo in the Chickasaw Nation—and all citizens were required to appear at one of these places to file on his allotment. Choctaws could allot land in the Chickasaw Nation, for the two tribes held their lands in common. But all lands in the Choctaw Nation had to be filed on at Atoka, and the lands of the Chickasaw Nation, at Tishomingo.

The time for allotment had been looked forward to for years, and when it arrived there was a great rush for the land offices. Hotels were built and tents stretched in a vain effort to accomodate the people. The two land offices were open for the allotment of lands by those who were on the permanent rolls. At the same time the Commission was busy passing on claims, placing some on the rolls and dismissing the claims of others; the Citizenship Court was busy with the court claimants, they in their turn adding to the rolls and dismissing claims. All of this was going on at the same time, to say nothing of the work of the Townsite Commissions, courts, and other bodies. So up to the last, the complications were many and the uncertain-

ties great. The full-bloods, when left to themselves, never understood their position, or knew what they were doing. Even at the land office, when they were given their cards at the first window, certifying to their citizenship and their right to allotment, and passing them up to the agent making their allotment of record, they would sometimes in the rush be pushed aside and would march away to their homes their cards in their hands, fully satisfied that their allotments had been properly made. But such was not often the case. The United States Government held that the relation existing between it and the Indians was the relation of guardian and ward, and sought to protect its ward. Maps, sectional plats, and official clerks were all furnished the allottees in an earnest attempt to do for the ignorant ward what he could not do for himself. These clerks did a great deal of good, but it goes without saying that they could have done much more than they did do, and that often they tell short of performing their sworn duty.

The Indian citizen had with him, in nearly every instance, parties more interested, more courteous and attentive than a guardian, to wit: lawyers and real estate agents. And it can never be truthfully charged that our Mississippi Choctaws suffered from neglect or lack of attention. He had not been brought so far and at so great expense to be neglected at so important a moment. The danger with him was on the other extreme, and rather did he suffer from too much attention than from the lack of it. If the guardian was guilty of culpable negligence in any one thing it was in turning its wards completely over into the hands of exploiting land agents, who never ceased from their labors. They swarmed around the land offices. There was the ranchman, who wanted to control thousands of acres of the grassy prairies; the farmer, who longed to cultivate fertile valleys; the timberman, who coveted the magnificent forests; and the miner, who saw fortunes in unsegregated coal fields. Each had his lands picked out, and was after citizens "to hold" them for him. A citizen is captured, put into a buggy, and driven for miles into an unknown country until he finally arrives at he knows not where. He is helped to the ground, told to look about him and see his new home. This is the land he has filed on as his home through the guidance of his faithful friend, the agent. The Indian knows



nothing of his new home, but his friend is pleased. Thus the work goes on, day after day, month after month. To-day the ranchman is short of Indians. He says to the timberman, "Loan me a dozen Indians for to-day, I will have a carload in to-morrow or next week and I will pay you back." The loan is made; the Indian who was intended for a logger becomes a "cow-puncher," never knowing what he was intended for or of his change of occupation. At the appointed time the ranchman gets in his carload and a dozen Indians to go to the lumberman, or it may be, that in the meantime, the lumberman has run short and has borrowed from the farmer, and a dozen "cow-punchers" only become loggers to become farmers a minute later. Thus this infamous traffic was kept up, and human beings traded, bartered, and sold as so many goats or mules; the only difference being that mules and goats have an intrinsic value, and the Indian has none, and was valuable only because of his claim to an allotment of lands and an annuity that he carried with him by operation of law.

Many speculators had come to consider that it was not wrong to cheat and defraud an ignorant Indian. Some probably thought that they found a justification for robbing him in the general treatment that he had received from the hands of the white man for a century or more. The fact that he was ignorant and an easy prey to the shrewd and unscrupulous white man should have made the Commission more alert to protect him and to see that equal justice was done him. But instead of manifesting this spirit of justice and protection toward the ward of the government into whose hands he was intrusted by that government, the Commission turned him over to the exploiters. Nor is this all. The Commission went into the robbing business itself. It is now well known that several members of the Commission were directly interested in one or more of these combinations, which, putting it in its mildest form, were enjoying a very unsavory reputation. President Tams Bixby of the Commission, Commissioners Breckenridge and Needles, and Indian Inspector Wright were, upon official investigation, found to be interested in corporations dealing more or less extensively in Indian lands. Whether these men are criminals or not depends upon the technicalities of the statute,

yet they were putting themselves in a position to do the Indian a greater injury than could be done him by any of the greedy land agents. They held a position quasi-judicial, which gave them considerable discretion in matters coming before them for their consideration. What would be thought of a judge who buys an interest in the lawsuits of his litigants? The bare fact of the existence of this interest disqualifies him and removes him from the case; and for him to willfully inject himself into all matters that he as judge must decide should debar him from the bench, if not send him to prison. All this is the more heinous on the part of the Commission in view of the questionable methods of these land corporations, which had already fallen into disrepute with the public before the connection of the officials was known to exist. How long and to what extent their connection in land speculation existed will probably never be known to the public; neither will the cause for their unpopularity with the people probably ever be fully explained. It has been charged almost from the beginning that the decisions of the Commission in individual cases were often arbitrary to the extreme. The Commission could be pardoned for some practices that it permitted, but the sins committed by its own members are inexcusable.

In view of the many schemes to rob the Mississippi Choctaw of his claim, it will doubtless appear that his condition was not improved by his removal to the Indian Territory. Such might have been the case had it not been for the protecting mantle of the law. It seems that Congress must have foreseen these greedy attempts at exploiting him, and made every provision for his protection. It has already been seen that section twelve of the Supplemental Treaty provided for each allottee a homestead to include one half of his allotment, which homestead was secured to him by a provision of law, making it impossible for him to convey, encumber, or in anyway part with his title to it during his natural life or for a period of twenty-one years. Sections fifteen and sixteen of this treaty further provide that:

15. Lands allotted to members and freedmen shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under this Act, nor shall said lands be sold except as herein provided.

16. All lands allotted to the members of said tribes, except such land as is set aside to each for a homestead as herein provided, shall be alienable after issuance of patent as follows: One-fourth in acreage in one year, one-fourth in acreage in three years, and the balance in five years; in each case from date of patent: *Provided*, That such land shall not be alienable by the allottee or his heirs at any time before the expiration of the Choctaw and Chickasaw tribal Governments for less than its appraised value.

Various efforts were made to evade this law. To obviate the condition of legal inability of the Choctaw to sell his property, in connection with the contract for part of the allotment, a lease was usually taken spanning the shorter periods of disability. These leases were no more enforceable against the Choctaw than the contract for the allotment, but it was generally regarded as highly improbable that the lease would ever be called into question. It was the *bona fide* intention of holder of these leases to make valuable improvements on the allotment during the existence of the lease. These improvements he could afford to make as he was to get the use and profit of the land during the life of the lease, which would well pay him for all moneys he might expend in improvements and in a measure compensate him for whatever sums he might have advanced to the lessor while in Mississippi for transportation, or in the Indian Territory for supplies. Furthermore, the improvements were calculated, it was thought, to keep up a proper public sentiment, as well as to keep the Choctaw landlord contented and on the best of terms with his tenant. It was intended that no controversy should arise, and consequently no occasion for a decision of the courts declaring a particular lease null and void. As a part of this whole scheme must be mentioned the unusually good treatment accorded the Indian landlord for the purpose of making a fast friend of him, relying upon his sense of honor and honesty, which, be it said to his credit, was much stronger and more enduring than that of some of the white people with whom he came in contact, to carry out the terms of his contract in full in spite of the absence of authority of law. Much, of course, depended upon the Indian's ignorance, and the lessees felt justified in assuming that the Indian under whom they held their lands would never know of the peculiar strength of his claims, nor of the peculiar weakness of theirs.

The lease and contract scheme might have worked admirably



with the Indian had it not been for the discontented white man, who after having spent all his means on Indian claims, had been crowded out and had fallen by the wayside. That such a scheme should have been originated and trusted by the land corporations of the Indian Territory at this time seems most extraordinary. They had a complete illustration of the utter impracticability of their schemes. Reference is here made to the land tenancy of the Indian Territory, a brief account of which will be given, even at the risk of digression, that the folly of trusting this method may be fully appreciated.

A parol agreement merely, and for a long time without sanction of law, this tenancy at best was only a tenancy at sufferance, the lowest estate in land known to the law, subject at all times to be defeated at the will of the landlord. But a family of white people often lived on the same tract of land by virtue of this tenancy for many years unmolested, and as secure as if they were the owners in fee. The Indian made an ideal landlord from a tenant's point of view, and white people might have lived in peace as his tenants for life had it not been for outside interference. This interference came about in this way. One white man would want the home of another. The land was hard to put into cultivation. Much labor was required, and the yield for the first few years was short. So, rather than pay the price for his home with his honest toil, he would seek to reap the labor of his faithful brother, to turn him out of his home and to occupy it in his stead. With dishonest promises, and false and fraudulent charges against his more honest and industrious brother he would win favor with the landlord, and often succeed in legally ousting the old tenant, when he would occupy the premises himself. To be thrown out of doors with one's family is a great grievance; and when it is remembered that this ouster was subject to take place at any time of the year, in summer as well as in winter, regardless of crops whether growing or ready for harvest, it will be better understood how the shotgun often came to be the court of last resort. The tenancy of the country permitted these evils, but the evils themselves were the creations of discontented white people, but for whom the evils never would have existed. This, in brief, is the example which should have demonstrated to the satisfaction of

anyone the uncertainties of results from contracting with Indians where there is no law to force the Indian to carry out his part of the contract, and especially should it have proved the utter impracticability of the lease and contract schemes of those so energetic in helping the Indian file on his claim by which help they expected to hold him under their control until he could make them a deed to his land.

That there was more or less risk in spending money in helping the Mississippi Choctaw perfect his filing and locate and settle his claim all admitted. But able lawyers gave it as their opinion that where valuable and adequate help was given the Choctaw, and no undue advantage taken of him, that the courts would upon proof of these facts enforce these contracts as a matter of right and equity. They relied too on the fact that this help was necessary, that it was utterly impossible for a full-blood Choctaw in Mississippi ever to take advantage of his claim in the Indian Territory, or to secure any part of the same without help. Some one must needs step in and render this assistance, and who would undertake the work if there was no profit to be made out of it? This help had been given in good faith, the Mississippi Choctaw had accepted it, and had been and was now being greatly benefited by it. The land corporations would, if necessary, come into court with clean hands and ask not only that their rights be enforced but that additional rights be created. At the time, this appeared to be a strong argument. True, the law was against them, but they hoped to avoid the courts, and if they must resort to law they would appear as defendants. Would the government carry out to the letter this charitable policy with the Mississippi Choctaws? Many thought that it would not. Had not the great body of them been moved over and cared for at private expense? Had there not existed all the time a prejudice among the Indian citizens against the Mississippi Choctaw? Had he not been discouraged by the Commission, and treated differently from the natives? Was he not too poor to employ able counsel to represent him? By means of such arguments the land corporations consoled themselves that they had a kind of security. Still it was a fact, evident to all, that they were purely intermeddlers, and as such would have a poor standing in court. Could they

control the Indian as they hoped to do and avoid litigation, they would feel more secure. But even then they were in danger. The Indian, because of his connection with them, had violated the law and forfeited his claim to a patent. Should the government make proof of this fact and enforce the forfeiture against the Indian, both the Indian and the land corporation would be left with an empty bag.

In view of these facts many regarded their Indian contracts as burdens rather than valuable property. Others in these extremes were more tenacious than ever. They were in for all these contracts were worth, and felt that they were fighting in self-defense for an existence. There had been considerable talk of a new supplemental treaty. The Curtis Bill, passed by Congress in 1898, had been intended to be complete and final, but the Supplemental Treaty of 1902 was found necessary. Many thought that a new treaty would be needed to supplement the Supplemental Treaty of 1902. Agents of Indian land corporations soon became earnest advocates of this new treaty, believing that some law could be passed to protect their interests. It had been charged that the Act of 1902 was passed for the benefit of the coal barons and other moneyed interests. Now, these would-be landed interests would in like manner attempt to lobby through Congress another treaty, the complexion of which they hoped to make more in accord with their interests than the present law as they found it. So far they have not succeeded, no new act having been passed.

On the whole, all private enterprises engaged in the business of assisting Mississippi Choctaws in the allotment of lands have come out losers. They have spent a good deal of money in this business, and have received almost nothing in return. It is very doubtful whether they will ever get back the money actually expended; yet some express hopes of handsome incomes. The question is unlitigated, and will probably add a prolific line of business to the already lucrative practice of the Indian Territory lawyers.

Not all who were engaged in the removal of the Mississippi Choctaws to their western homes were guilty of the evil practices herein set forth, but on the other hand some honorable and upright gentlemen found employment in this business. This better



class usually worked for a salary and tried to pursue a prudent and business like course. To most of these, however, the employment proved unpleasant and unprofitable, and they soon gave it up.

The Mississippi lawyer did not find the prosecution of Indian claims a profitable business. While he had an advantage in living near the Mississippi Choctaw, he was unfamiliar with the law and procedure governing in the matter of these claims, and did not think that the practice would justify him in familiarizing himself with it. He lacked the enthusiasm of the lawyer of the West. When a client approached him with an Indian claim, he usually referred the claim to some lawyer in the Indian Territory. Neither were Mississippians popular as Indian land agents. They lacked the energy, enthusiasm, and experience of the western "rounder." Some found employment in keeping in line a few Indians with whom they were personally acquainted. The questionable methods pursued by the infamous Arnold and a few others of his kind soon convinced our people that it was a disagreeable business.

Whatever fault may be found with the treatment received by the Indians at the hands of the United States Government, it will probably be generally admitted that the Mississippi Choctaws have no cause for censure. On the whole they have been treated not only fairly and justly by the government but have been cared for and helped almost as objects of charity. True, they lost their homes in Mississippi provided for them in the treaty of 1830, but this loss was certainly not in accord with the real intention of the government, but it was the fault of one of its agents. Yet the government magnanimously assumed responsibility for the misconduct of this drunken and corrupt agent, and but for the interference of greedy speculators would have made good the claims of the Mississippi Choctaws at an earlier date. But subjects of far greater moment, the slavery question, secession, civil war, reconstruction, etc., pushed the Indian question into the background for a long time. Yet in 1898, when a measure was before Congress providing for the winding up of tribal affairs in the Indian Territory and the turning over of his property to the Indian ward, Congress remembered these old claims of the Mississippi Choctaws, and provided for their settle-

ment. This settlement as has been seen was made not by carrying out the exact agreement and giving the Mississippi Choctaw his promised home in Mississippi, a thing impossible, but by giving him in the Indian Territory an equal right with the Indians already living there. It is highly commendable in Congress that it did not repudiate or rather overlook or forget these old claims, but sought to fulfill them as equitably as it was possible to do. But a home in the Indian Territory was worth but little to the poverty stricken Choctaw in Mississippi; the government recognized this fact and made provision for his removal at the expense of the United States Government. The Dawes Commission came from the Indian Territory to Mississippi and remained for months in session at great expense that the Mississippi Choctaws might file their claims and make their proof of citizenship. Again a few years later the Citizenship Court came from South McAlester, Indian Territory, to Jackson, Miss., to afford the rejected Mississippi Choctaws another opportunity for proving their claims. That they should have fallen prey sometimes to unscrupulous speculators probably could not be helped, and at best this exploitation was the fault of a few officials and not the intention or purpose of the law. When we remember that the Mississippi Choctaws were ignorant of their rights and utterly powerless to enforce them, we are forcibly struck with the magnanimous and Christian spirit that prompted the course pursued by the United States Government in this matter.

In conclusion permit a reference to the character of the aborigines. The Choctaw has many interesting traits of character, but mention of only one of these will be made here, his high sense of reverence for and obedience to the law as pronounced by the courts. This phrase may seem strange to some who are familiar with the work done by the Federal Court at Fort Smith, Ark., so ably presided over by Judge Isaac Parker. But while it is probably true that Parker's legal executions are greater in number than those of any other judge in the United States, it must be remembered that this court had jurisdiction for a time over the greater part of the Indian and Oklahoma Territories. How this beautiful country was filled with thieves, cut-throats, and robbers of all races and colors, how they were brought to trial and made to pay the penalty of their crimes on the scaffold are vividly told

in a book written by an official of Judge Parker's court, entitled *Hell on the Border*. The list of criminals includes Choctaws as well as other races; but when a Choctaw was once arrested there was no getting rid of him till the law was satisfied. No bond was necessary to bring him to trial, if convicted no jail was necessary to keep him till the day of execution. An old Choctaw was once under process of the court to appear at Fort Smith to answer a charge of crime. It was in the spring, and all the streams were overflowing from the heavy rains. The field marshals with prisoners, witnesses, etc., had crossed the streams before the freshet, but this old Choctaw had been left behind. The court proceeded with business and on the day set reached this old Choctaw's case. Half-naked, half-starved, dripping wet, and almost frozen, he appeared in court. He had walked himself almost to death and had swum several overflowing streams including Poteau river to be at court when his case was called. Judge Geo. W. Riddle, a full-blood Choctaw who has served several terms as judge of Gaines county, Choctaw Nation, disowned his brother because he failed to appear at the whipping-post under sentence of a Choctaw court. Another Choctaw, whose son was suspected of crime, took his boy and carried him to the officials, lest he should be accused of evading the marshal. Many other instances of this fidelity of the Choctaws to the mandate of the courts might be given, but one more will suffice.

About ten years ago some political strife arose among the Choctaws. Two parties were bitterly arrayed against each other. The conflict came to an end with the triumph of one party, and a young Choctaw, Simon Lewis, a leader in the defeated party, was arraigned before a Choctaw court, charged with some crime known to Choctaw jurisprudence. He was convicted, sentenced to be shot, and a day fixed for his execution. As was their custom, he was released on his honor without bond. For a few weeks this condemned lad mingled with his friends as freely as he had ever done. The day of the execution was approaching. He was advised by his white friends to flee. Mr. Louis Rockett, a native Mississippian, for many years a merchant in Wilburton, Indian Territory, begged the condemned man most urgently to escape for his life while he was yet free; explaining to him that he was guilty of no crime, that his party was in the right and that



he should not have been convicted. But no appeal could move him, and on the fatal day he voluntarily walked from Wilburton to the old Choctaw courthouse, a few miles away, the place for the execution. He took off his shirt, stood for the target to be painted over his heart, covered his head, and bravely took his stand for the mortal shot. The writer has seen a photograph of this execution, taken just after the shot was fired. The picture shows the victim lying on the ground, and the executioners standing over him choking and smothering him to death. A mistake had been made. In the excitement the target was painted on the wrong side, and the shot not entering the heart only wounded the condemned man. His executioners rushed on him as he lay wounded and bleeding with sacks to finish the fatal work. This was the last Indian execution; the brutal termination of this tragedy aroused public sentiment against its possible repetition. It is said that this photograph was sent to Congress, and there helped to incorporate in the Curtis Bill a provision giving to the United States Courts of the Indian Territory exclusive jurisdiction over all felonies committed in the Indian Territory. This provision the Choctaws ratified. But in whatever court, the same deep respect for and blind obedience to the mandates of the courts have characterized the Choctaws. As this trait of character in the Choctaws stands out in such bold contrast to that of any other people it has seemed worthy of mention even though foreign to this narrative.

The question of the future of the red-man has confronted the people of the United States during the entire history of the country. That the race will ultimately become entirely extinct is generally believed. That the Choctaws will survive but few centuries at the most is highly probable. But as to what will be the future history of this tribe is difficult to foretell. At present they are divided into two classes, the mixed breeds and the full-bloods, or the progressives and the non-progressives. These classes at present take their names from their leaders and are known as the McCurtains and the Hunters. Green McCurtain, the present governor of the Choctaws, and leader of the progressive class, is an able politician. The present governors of the other tribes are also able and progressive men. Concerted action is at this writing being taken by these progressive leaders looking forward to the

admission of their country into full statehood with a view of Indian supremacy. A convention of all the Indians of the Indian Territory has been called, and the assemblage is intended to be the greatest of all Indian powwows. Whatever may be the outcome of this effort, it is highly probable that these progressive Indians by virtue of their superior skill and sagacity in politics will for many years play a prominent part in the local affairs of their country. But with the Choctaws this progressive element is much in the minority, in numbers if not in votes. The full-bloods of the interior are not pleased with the invasions of the whitemen. With them the clearing up of fields and the building of cities and country homes are causes now as they have ever been of much discontent. These sons of wild nature long for the deep, secluded forest, far from the face of progress and civilization. With them this longing is an expression of innate character. Already they have explored the deep and rocky wildernesses of Mexico; and some of their number have found there the happy homes of their fathers, while many others are anxious to join them. It is highly probable that in the near future the great body of Choctaws will sell or abandon the homes allotted them by the United States Government, and crossing to the south our Mississippi Indians will join their advance guard in the wild recesses of the old Montezumas. It is their last fight for racial preservation. May they in their last days live in peace and contentment, and in the bright hereafter awake on the happy hunting ground with their fathers.

## EARLY HISTORY AND ARCHAEOLOGY OF YAZOO COUNTY.

BY ROBERT BOWMAN.<sup>1</sup>

Yazoo county was once a part of the domain of the Choctaw Indians. It is embraced in what is known as the Second Choctaw Cession, or "New Purchase," which was acquired by the Treaty of Doak Stand. It was organized as a county by an act of the Legislature of Mississippi, passed on February 23, 1823. It originally embraced the present counties of Yazoo, Madison, Holmes, and Issaquena, and by subsequent addition a portion of Warren and Washington counties.

In the early days Yazoo county abounded in more numerous and perhaps more varied wild animals than did any other section of the State. It was, therefore, a favorite hunting and fishing ground of the Indians before and for many years after they parted with the right of domain. While they were living in what is now Leake, Attala and other eastern counties, they would hunt and fish in Yazoo county during certain periods of the year, bringing with them their squaws and papooses, or children. In going from place to place, the men frequently rode, but the women always walked, carrying their infant children in baskets on their backs, with straps extending around their foreheads.

Each Choctaw family had a small field on which was a peach orchard besides patches for raising corn and other vegetables. Long after they left Yazoo county these fields could still be distinguished. They were called "Indian fields." As all of them had peach orchards on them any person passing by could gather and eat as many peaches as he desired, but he was not permitted to carry any away with him. The Choctaws were strictly honest and scrupulously faithful and punctual in their engagements. They never failed to return borrowed articles on time, to the very hour. They never arrested or imprisoned a party, and criminals never failed to appear at the time specified to

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<sup>1</sup> A biographical sketch of the author of this article will be found in the *Publications of the Mississippi Historical Society*, VII., 57-9.—EDITOR.



answer to the charges against them. If a Choctaw was found guilty of murder, he was allowed to go free under instructions to return at the time specified to the place of execution. On the day of execution he repaired to the grave dug for him, knelt by the side of it, and baring his breast to the executioners, was shot, the grave filled up, and his name was no more mentioned.

The women were as a general rule chaste, modest, retiring, industrious and devoted to husband and children. Fornication and adultery were punished with death. The women planted and cultivated the corn and other crops, gathered up the wood, made the fires and did all other menial labor. The Choctaws were friendly to the white man, especially the American. They were brave and fearless, but inclined more to peace than any other tribe. They were said to be truthful and faithful. Their word was sacred, and their plighted faith inviolate. Theft was a heinous crime, and severely punished. They would not recognize the privilege to acquire right of property by domestication of any wild animals. A horse, cow, dog, hog, or other domestic animals could be owned and the stealing of them was an offense against their law. But to kill or steal a tame deer, a tame bear or other animals of the forest that had been domesticated was not considered a crime by them.

On the tablelands of Big Black river, in what is now Yazoo county, there were prairies of several miles in length and of one or two miles in width on which not a tree or shrub grew. Luxuriant grass and beautiful wild flowers were the only growths on them. There was a tradition among the Indians that once large herds of buffalo inhabited the prairie lands of Lowndes, Neshoba and other eastern counties bordering on Alabama, and that early in the eighteenth century a terrible drought prevailed in that section, drying up the Tombigbee river, and all other streams in that part of the country, which caused all the wild animals to leave. The deer, bear and all other except the buffalo returned after the drought was broken. There was a legend among the Choctaws that certain wild animals or beasts corresponding with the description of the buffalo came to Yazoo about the time of this drought and remained some time. It was the custom of the Choctaws every fall or winter in order to prevent the forest from becoming too dense to destroy the undergrowth by setting fire to

and burning off the woods. This annual burning of the woods may have frightened the buffaloes away.

The first county seat of Yazoo was at Beatty's Bluff, situated on the south bank of Big Black river in the northern part of what is now Madison county, about ten miles northwest of Canton, and about sixteen miles southeast of Benton and a few miles south of Redmondsville. Beatty's Bluff was situated at a point where a public road leading to Jackson crossed the Yazoo river. At one time it was a prominent point, being on the usual route to Canton and Jackson. The place was named after the early owners of the land, two Beatty brothers. It is now extinct.<sup>2</sup> Its site was for a number of years part of a plantation and is now a canebrake and idle waste lands, and not a vestige of any of these old homes remain to mark the first county seat of Yazoo county. What is now Madison county was first settled and as the preponderance of population was near Beatty's Bluff it was selected as the courthouse town. The courthouse, county offices, stores and residences were all constructed of logs felled on or near the site of the place. The floors, doors and windows of the houses were of puncheons riven from logs. Saw mills, planks, shingles and window glass were then unknown in that section of country. A very large preponderance of the population of Yazoo was then in the area of what is now Madison county. On the north of Big Black river in the present area of Yazoo county was a large swamp of over three miles in length. The lands were low, subject to overflows and regarded as very sickly. Adjoining these swamp lands were what were termed table lands which were higher and not subject to inundation. Some persons, having opened up these table lands, found them very productive and not much more unhealthful than the high lands south of the Big Black river. This successful experiment started the emigration from other counties and States. The early settlers of Yazoo suffered many inconveniences and a lack of what are now deemed necessities and endured many hardships. Grist mills, or corn mills, and saw mills were unknown in the county. The nearest grist mill was then at Vicksburg, a distance of over eighty miles over a very rough road. A good many farmers united together to send their shelled corn to Vicks-

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<sup>2</sup> A brief sketch of this place will be found in Riley's "Extinct Towns and Villages of Mississippi," in the *Publications of the Mississippi Historical Society*, V.

burg in ox wagons for a supply of meal for three or four months. The trips would take about ten days or two weeks. When the water was high, flat and keel boats laden with merchandise would be towed up Big Black river by hand to Beatty's Bluff, and in time of low water goods and merchandise would be brought overland in wagons from Vicksburg. The wants of the people were not great and the supply of merchandise was not very large. For a great number of years the hand loom was in almost every house and furnished all the cloth needed for clothing. Socks and hose were knit by the housewives and their daughters. Tanneries were in the county, and furnished leather for shoes, harness, or gears. Wagons were also made in the county. Planters "stocked" their own plows and harrows, made their own hoe and ax handles. The roofs of many houses, or log cabins, were fastened, not with nails, but with poles or logs at the end of the boards, with puncheons between them to prevent their rolling off. The first burials of the dead were in coffins made from puncheons and were riveted, not with nails, but with wooden pegs. The first mill and ginhouse in Yazoo county was built about 1831 in the suburbs of Manchester, on what is now Jefferson street, on the block between Madison and Washington streets, in Yazoo City. It is said that the first liquor saloon was in a shed annexed to this ginhouse. Where the said ginhouse and saloon stood are now fine, large, two-story residences. On the same block is a large brick church belonging to the Baptist denomination, and immediately back of this block, but across Broadway street, where stands the large two-story brick courthouse, was then a dense forest. The first saw mill was on a small scale, built just below Manchester on the Yazoo river, by Stephen Howard, early in the 30's. Cypress was then very abundant in the Delta, it was not considered trespass to cut and carry the logs away from Government land or even from the land of private individuals. In the latter part of 1825 and in 1826, Richardson Bowman entered a large body of land and the table lands of Big Black river about seven miles south of the now extinct town of Benton. In the two subsequent years, he cleared and fenced his farm and erected buildings on it. In 1828 he removed his family from Pike county and settled permanently on this place. Others followed soon afterwards, and the country in his neighborhood had at an early day



a good many residents. The first church built in Yazoo county was a house erected by Richardson Bowman on his lands, which was used as a place of worship for all denominations as well as for a schoolhouse. There was also a cemetery near the church. Bowman had on his farm the first store, perhaps, in Yazoo county.

At the time the county site was located in Benton, in 1829, the county around it was an unbroken forest. It was a favorite hunting ground of the Indians and abounded with all kinds of game. The lands in that vicinity, as also the table lands of Big Black, proved rich and yielded abundant products to the tiller, and were very inviting and remunerative to the early settlers. Many acres were soon cleared and the country became rapidly populated. Emigrants with their slaves from other counties and States came and settled in that section. Benton grew into a prosperous town and several stores were soon opened. Blacksmith and wagon shops, tanyards and other industries sprang up in her limits. A two-story brick courthouse and a brick jail were erected in a few years. The first brick store in Yazoo county was in Benton, and soon it became one of the prominent towns of Mississippi. Lawyers recognized throughout the State as men of ability constituted its bar. Joseph W. Holt, who was a member afterwards of President Buchanan's cabinet and conspicuous at the close of the war as one of the instruments of Mrs. Surrat's atrocious hangings, Sergeant S. Prentiss, George Yerger and other leading attorneys, were attendants at its courts. The law of real estate was then the most intricate branch of the law, and many cases involving its principles arose for adjudication. Not a vestige of any of the brick houses remain.<sup>3</sup> In 1824, Henry Hagan, who died at a very advanced age at his residence in Yazoo county, in 1882, was one of the chain bearers of the corps of surveyors who laid off, in the year 1824, the land on the Yazoo river from the lower end of the county to Belle Prairie plantation, about ten miles above Yazoo City, into sections and townships. Yazoo City was originally known as Hanan's Bluff, from the name of the man who first settled on its site about the time the lands were surveyed. Henry Hagan and his brother Hiram settled the Tokeba plantation on the Yazoo river, only a short distance above Yazoo City, about 1826.

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<sup>3</sup> *Ibid.*

The eastern portion of the county was more rapidly settled than the delta lands of the river. In 1828 occurred the greatest overflow of the Yazoo river ever known in the recollection of the white man, except that of 1882, which was a little more than a foot higher. The old citizens relate that there was a tradition among the Indians that in 1814 there was an overflow of the Yazoo river several feet higher than that of 1828 or 1882. It is said to have been a custom among the Indians to mark by cutting or driving arrows into trees the highest point reached by the water of a high overflow. By reason of the high water of 1828, the fear of a return of inundation, and the prevalence of the opinion that the Delta, or river swamp, as it was then called, was very sickly retarded the settlement of these fertile lands.

O. W. Brazeal and Joab O'Neal were the first settlers in the lower end of Yazoo county. The town of Satartia on the Yazoo river was laid out about the year 1830 and became the shipping point for a scope of country east and south of that place, extending across Big Black river a short distance into Madison county. It was a small town, and the shipments of cotton were not very large.

H. G. Runnels, Isaac V. Caldwell, D. B. Wright and Benjamin Johnson acquired title to the land in and around Hanan's Bluff, which was laid off into lots and incorporated in 1829 by the Legislature as a town by the name of Manchester. This was the first town chartered in Yazoo county after its organization in 1823. Satartia was incorporated in 1833 and Benton in 1836, and these three were the only chartered towns in Yazoo county previous to the Civil War. There was another town about twelve or fifteen miles southwest of Benton called Planeville, near where Dover is now, which at one time promised to be prosperous but it became extinct in the 30's and formed at length a part of the Gartley plantation.

On the east of Yazoo river the country was corrugated with deep ravines. There was a ridge extending east from Manchester across which was, as was believed at the time, the only accessible route to the Yazoo river, which was then the only medium for transportation of the cotton crops of Holmes, Attala, Leake, Winston, Carroll and other eastern counties. The cotton was brought in wagons to Manchester, afterwards Yazoo City, for

sale and shipment. There were not many stores in Manchester, but it was estimated that from 1850 to 1857 close to sixty thousand bales were brought there each year for sale or shipment to New Orleans. The planters and farmers then raised their corn, meats and some of their horses and mules. The wagons which brought down cotton generally went back loaded with merchandise for the stores of interior towns. The larger planters usually shipped their cotton to New Orleans. The merchants of Holmes, Attala, Leake, Winston, a portion of Carroll and Madison counties received their goods or merchandise by Yazoo river boats at Yazoo City. The building of the Mississippi Central Railroad as it was then called, running from Canton, caused a great deflection in the cotton crop from Yazoo City. Planters went to the stations along the line of this road to sell and ship their crops. This railroad might have been brought to Yazoo City, but its leading merchants and citizens, who exercised much influence, thought that a railroad would scatter their trade along its line. Hence they opposed with great energy and earnestness its being built through their town. The Yazoo and Mississippi Valley Railroad, constructed in 1883, has dispelled this idea. Yazoo City since the completion of this road has been on a steady and continuous improvement in population, business and cotton receipts. Many thousand acres of land in the Yazoo Delta have been brought into cultivation, and its receipts of cotton are as large or larger than when she commanded all the crops of Holmes, Leake, Attala, Winston, Madison and other counties.

The Delta lands west of the Yazoo river were settled slowly. The great overflow of 1828 caused a fear that inundations might frequently return, and the swamp, as it was commonly called, was regarded as being very sickly. Periodically at intervals of from four to six years there was very high water or overflows. These overflows were very fine fertilizers. An alluvial deposit was left by the receding waters sometimes, on low places, to the depth of two feet or more. Usually these overflows came in the spring of the year and the ground planted as late as June would make fine crops. Constant and perfect working was required, as not only corn and cotton, but grass and weeds would grow very rapidly. As soon as it was found that these overflows did not



interfere seriously with production of crops the Delta settled up rapidly, mainly with large planters. The white population was small and the number of negro slaves was in a large majority. The lands were very productive and the fertility of the soil was considered inexhaustible. These periodical overflows kept the lands enriched and they, without any application of fertilizers, brought forth abundant crops.

In 1827 a portion of Yazoo, now in the area of Issaquena and a part of Warren county, were organized as Washington county. In the same year the present county of Madison was detached from Yazoo. Its first county seat was Madisonville, about eight miles southeast of Canton, which has long been extinct as a town.<sup>4</sup> It forms a part of the plantation once owned and cultivated by Colonel Walker. From Madisonville the county seat of Madison county was removed to Canton. In 1828 commissioners were appointed by the Legislature to locate a new county seat for Yazoo county and the present site of Benton was chosen in 1829. W. P. Gadberry, who emigrated from South Carolina in 1828, had entered this land and erected on it an unhewn log cabin and outhouses. The first court at Benton was held in his house, and the first and for a long time the only postoffice in the present area of Yazoo was also in this house, and Mr. Gadberry was the first postmaster. Richardson Bowman entered a large body of land near Beatty's Bluff on the table lands of Big Black in 1825, about seven miles south of Benton.

Holmes county was by Act of the Legislature of February 19, 1833, carved from the territory of Yazoo county, and Lexington became its county seat. The codes of 1880 and 1892, as well as some other authorities, put the date of the formation of Holmes county at 1823, but this is evidently a typographical error. In December, 1844, Issaquena was established as a separate county from the area of Yazoo, leaving this county with its present limits. In 1831 the name of the town of Manchester was changed to that of Yazoo City.

In November, 1849, by an election for that purpose, the county seat was changed from Benton to Yazoo City. A fine, large brick courthouse and jail were completed in 1851 when the records were moved from Benton. That date Benton began to decline. This

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<sup>4</sup> *Ibid.*

courthouse was burned by the Federals during the war but all the records had been probably removed to a distant place of security.

Yazoo City is the birthplace of James Clark, the present Senator from Arkansas. The house where he was born, a very humble cottage, was torn down only a few years ago and a very fine two-story residence erected in its stead. When very young James Clark was a printer boy in the office of the *Yazoo City Whig and Banner* office. After the war he became foreman of the office and part owner with J. C. Prewitt. This partnership was dissolved and he became the originator or founder of the *Yazoo City Herald*, which he sold to Messrs. Campbell and McCallum. He then studied law and moved to Arkansas, where he became Attorney General, Governor and then United States Senator. The first Democratic newspaper published in Yazoo was established in 1844 by Major Ethel Barksdale. It was called the *Yazoo Democrat*, and that was the beginning of his newspaper experience. Afterwards he became editor of *The Mississippian* and *The Clarion-Ledger*, and was a member of the Confederate and the United States Congresses. The first newspaper published in Yazoo City was established in 1829 under the name of the *Political Progress*, James A. Stephens being editor and proprietor. About 1831 it was changed to the *Manchester Whig* and when the name of the town was changed the paper became the *Yazoo City Whig*, which name it retained until the Know Nothing party came into existence in 1855 when it was changed to the *Yazoo Banner*.

Barnett Gibbs, recently deceased, at one time Lieutenant Governor of Texas, was a native of Yazoo City.

Dr. Henry Lewis, the author of *Swamp Doctor* and other humorous literary productions, came to Yazoo as an orphan boy from Kentucky and lived as a laborer on a farm near Manchester. His sprightly intellect attracted the attention of Dr. Dorsey, the leading physician of Manchester, under whom he studied medicine. After graduating he settled in Louisiana, where he died at an early age.

Early in the 40's there lived in the lower part of Yazoo county, near Satartia, a racy, sprightly, facetious and satirical writer named William Hall, who left this county and lived in New

Orleans. He wrote for the *True Delta*, a newspaper then published in New Orleans, humorous and exaggerated burlesques and caricatures of some prominent citizens of this part of the county, men who were exemplary members of the church. He put into their mouths, Munchausen stories of bear hunts, deer drives and fishing and fishes as of other wonderful exploits. These articles were read generally with great zest and in Yazoo with great wonder, astonishment and amusement, as the characters, heroes and heroines, were well known. Immediately on the close of the war, in 1865, Hall returned to the neighborhood in which he had once lived, and, riding on horseback, one day he met Mr. H—r, an old gentleman, a strict member of the Methodist church, who had figured prominently in these sketches. Hall was glad to meet the old man, but had to make himself known. As soon as Hall announced who he was, Mr. H—r leaped from his horse, told Hall to dismount, saying he had vowed that if ever he met him to give him a fight on account of what he had written about him. Hall replied:

"Mr. H—r, I have rheumatism very badly. I am weak and feeble and I don't want to fight you. I want you to forgive me, but if you will not, you can whip me to your liking, but if you do, what I have written about you is nothing to what I will write, and if we part in peace I will write nothing more about you."

So, they parted and there was no fight. Both died shortly after.

D. Walker, who succeeded Major Ethel Barksdale as editor of the *Yazoo City Democrat*, was appointed by Franklin Pierce as Consul to Genoa. He published some literary articles, as did also Judge R. B. Mayes. Among the writings of the latter was a work on baptism. Besides these, a good many poems have been written and published by the writers of Yazoo county. Dr. Henry Lewis wrote a poem on the Yazoo river, called the *Dark Yazoo*. It was beautiful, and much admired at the time, but now out of print and almost forgotten. Mrs. R. S. Wheeler and Miss Evelyn Purvis have each written recently a volume of poems which abound in beautiful thoughts, clothed in choice and elegant language.

In 1853 Yazoo City was terribly afflicted with the scourge of yellow fever. Many sought refuge in the country. Nearly all who remained were stricken down and many died. The sick suffered for attention, as nurses could not be procured and deaths



were so frequent and numerous that it was difficult to get the corpses buried. The few who attended to interment of the dead often became so exhausted that coffins lay by the graves at night and often would remain in the houses where deaths occurred for two or three days. Several fires have come very near consuming Yazoo City. One occurred about 1850, in which nearly all the business houses were burned. The Federals in 1863 burned the courthouse and many of the buildings and storehouses on Main street. The greatest conflagration, known perhaps in the State, and for size of the place, one of the greatest in the United States, occurred on the 27th of May, 1904. Each fire seemed to improve the town, however, as finer buildings arose from the ashes each time.

In the early history of Yazoo county there was, as in other newly settled counties, a good deal of lawlessness, compared with the present time. Early in the history of Yazoo county, the country along the Mississippi and Yazoo rivers was terrorized by a noted robber named Alonzo Phelps, who was thought to be a native of Maine. He was bold, daring and desperate. He had killed, as was known, more than eight men, and had committed many robberies and burglaries, but had managed to escape arrest. He murdered a man near Vicksburg, whom he robbed of a large amount of money. A reward of \$3,000.00 was offered for his capture and the country was alive with officers and mounted armed men seeking for him. Phelps sought refuge in the lower part of Yazoo county in which were numerous ravines and long deep hollows, densely covered with cane and forest trees. Becoming very hungry, he went on day to the cabin of an old lady below Satartia and ordered her in a rude and peremptory manner, to get him something to eat, telling her to get it d—d quick, else he would blow her brains out. The old lady quickly baked him a hoeecake of meal and got him some milk. Phelps feeling that there was no danger, set his gun in a corner of the cabin and sat down to his frugal meal, which was on a small table. Stovall, a citizen of Yazoo county, a man of small stature and rather advanced in life was among the number who, allured by the large reward and anxious to capture Phelps, had got on his trace. Following him to the old lady's house he secreted himself outside and waited and watched for a safe opportunity to attack the desperado. He

finally rushed in, seized Phelps' gun and with the but end of it gave him a violent blow on the head which felled him to the floor. Stovall instantly sprang on Phelps and with the aid of a nephew of the old lady bound his arms behind his back with a strong rope, and carried him captive to Vicksburg. Phelps, after being bound, was searched and on his person was found over \$3,000.00, a watch and other valuables, which were turned over to the proper officials. Phelps was tried for murder and convicted at Vicksburg, and immediately sentenced to be hanged. As soon as sentence was pronounced the handcuffs were placed on his wrists. He sprang from the sheriff and, beating his way with manacled hands through the crowd of spectators, made his escape from the courthouse, hotly pursued by officers and citizens. Phelps was fleet of foot as well as stalwart of body and when approaching the Mississippi river was fired on by Stephen Howard, a deputy sheriff. The bullet took effect in Phelps' shoulder, causing death soon afterward. Falling to the ground, helpless, Phelps still defied the officers and crowd, crying, "Now, hang me, d—n you." Howell who shot Phelps was once a resident of Manchester in Yazoo county. He was connected with the first saw mill in the county, a short distance below Manchester. S. S. Prentiss was one of the attorneys who prosecuted Phelps. It was believed at the time that Phelps was a member of the robber gang of John A. Murrell, who had been previously arrested in Tennessee, convicted and sentenced for life in the penitentiary of that State. It was also thought that Phelps had some other clansmen in Yazoo county.

In the period ranging from about 1820 to 1840 a large number of keel and flat boats, laden with flour, apples, meat and other products, were floated from the upper Mississippi and the Yazoo to New Orleans. The owners of these boats would sell their cargoes at New Orleans and return with their money by land to their homes over a well known route called the Natchez Trace. The robbers would lie in wait for the returning boatmen and rob and sometimes kill them as they traveled along the road. The conviction and killing of Phelps put an end to this organization of robbers in that section and contributed much to the establishment of law and order. By reason of the country's being sparsely populated and covered with canebrakes and dense forests robbers

and other criminals at that time found a secure refuge from the officers of the law. The indignation expressed by the mass of the people and the vindication of the law by the conviction and killing of Phelps struck terror in the minds of lawless robbers and in a great measure suppressed that crime in Yazoo and Warren counties and on the Yazoo and Mississippi rivers.

Yazoo county and river derived their name from a tribe of Indians who inhabited that section. They were a brave, fierce, intrepid and warlike people. They fought always to the death, unless victorious. It is said that in the Indian vernacular Yazoo meant death. In conflict with other tribes it was to victory or death, and always victory until extinguished. By some it was thought that the name of Yazoo was given because of the sickly nature of the country along the river, but this was a mistake.

There is a tradition that the Choctaw and Chickasaw Indians came from the West over the Mississippi river and combining their forces, waged a war of extermination against the Yazoo and other tribes and that the Yazooos fought desperately until the last of their race was slain. By treaty between the Choctaws and Chickasaws the Choctaws took as their share of the conquest all the lands along the Yazoo river and many of the counties east of that river. The Choctaws were in possession of part of this country when it was first discovered by the white man, though the Yazooos were not exterminated, as their name appears on many of the earliest maps of this part of the country. According to Indian tradition there once inhabited Yazoo county and other lands on the Yazoo river a race of giants, who were a peaceable people, engaged in agriculture. They were annihilated by the fierce Yazooos, who invaded and took forcible possession of their lands.

The present site of Yazoo City, or at least a part of it, had originally large mounds on it. One of these extended from Main street about midway between Jefferson and Bridge street, beyond Mound street. Another from Main to Washington streets covered also a part of Jefferson. These mounds had a diameter of three or four hundred feet and were excavated and dug down as Yazoo City increased in population and the city expanded, it being absolutely necessary to do this in order to obtain passways or streets. When these mounds were dug down, tomahawks,



bowls, cups, saucers were found in them. There was also found grave vaults exactly of the style and make of those made by the white people, but of larger dimensions, being ten or twelve feet long. No bones were found in them, but apparently cinders of burnt bones. By what race of tribe these mounds were built seemed to have been unknown by any legend or tradition among the Choctaws. These large grave vaults might indicate that they were built by the so-called "giants" of Choctaw tradition. The Choctaws originally erected scaffolds upon which they laid the corpses of their dead, and underneath which they kindled bark fires. These were kept burning day and night until every vestige of the flesh was consumed or mouldered from the bones. These skeletons were kept until a number accumulated, when they were put in the ground. Over the graves of the dead they usually built pole houses a few feet high covered over with pucheons. The dead and their burial ground were held sacred. For years after they had left and removed a long distance they would make in large numbers annual visits to the resting place of their dead and would spend about two or three days and nights celebrating funeral rites. A fire was kept constantly burning during this period of mourning and every once and a while dismal wails and shrieks would ascend from the lips of all who were congregated around the graves. All kept their heads covered with blankets or deerskins. There were besides those mentioned a few smaller mounds on the Yazoo river and a large one near Silver City or Palmetto Home. A gentleman who explored some of the mounds in Yazoo county informs me that in one of them he found several years ago some peach seeds which he planted. They came up and bore peaches.

Back of Satartia, which is in the lower end of this county, on a high hill is a well defined fort. As the French and Spaniards once owned this country and erected fortifications only on the bank of the river it is supposed by some that this fort was built by DeSoto in the year 1541. Some historians according to Claiborne insist that DeSoto on his retreat to the Mississippi wintered on the Yazoo in that year. The Indians did not know by whom this fort was built.

On the west bank of the Yazoo river, below Satartia, is a fort supposed to have been built by the French as it was found to

exist when this country was first settled by the whites. Historians relate that the French built a fort on the Yazoo river in Warren county, which they called St. Peter and which was located on a bluff, now, and for many years, known as Snyder's Bluff, and on the 2d day of January, 1730, this entire garrison which consisted only of about twenty men was killed by the Indians, as were also a few families who had settled under the protection of the fort. This fort at Snyder's Bluff was not very far below the one in Yazoo county referred to above. There are also vestiges of another fort about sixteen or eighteen miles above Yazoo City in what is called the Fort Place. The lands where this fort was situated have been cultivated until all traces of the fortification have disappeared. This fort, it is thought, was also built by the French when that part of the country was in their possession.





## AUTOBIOGRAPHY OF GIDEON LINCECUM.<sup>1</sup>

My father was a large, powerful man, six feet high and weighing in the prime of life 200 pounds.<sup>2</sup> I saw him, when I was a little boy, lift a forge hammer at Byrd's Iron Works, that weighed

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<sup>1</sup> This contribution has been compiled by the Editor from letters written by Dr. Lincecum to his grandson, from Tuxpan, Mexico, beginning November 3, 1871. No attempt has been made to recast many of the quaint sentences or to substitute words in good use for the many colloquialisms which appear in the manuscript, since these peculiarities will doubtless give additional interest to the narrative.

From 1829 until the year of his death (1873) Dr. Lincecum spent much time gathering botanical specimens for his "Herbarium." This collection is now in the possession of his daughter, Mrs. S. L. Doran, of Hempstead, Texas. He also wrote the "Traditions of the Choctaws," first in the Choctaw language and then translated it into English. This manuscript, containing 554 pages, with an appendix on the "Life of Apushmataha," containing 96 pages, is also in the possession of Mrs. Doran.

It may be interesting to note in this connection some facts which are not brought out in his autobiography. Dr. Lincecum sent to Charles Darwin, —with whom he tells us he corresponded—forty-eight specimens of Texas ants, with an account of the habits of each. He also sent to the Jardins des Plantes of Paris six hundred specimens of the flora of Texas; and to the Smithsonian Institution various botanical and entomological specimens; and to the New York College of Science a very large collection of Texas butterflies. He also made elaborate collections of natural history specimens during his residence of five years at Tuxpan. These he also presented to various scientific institutions.

The following extract is taken "from a Northern paper," the name of which cannot now be ascertained by the Editor:

"The death of the veteran Dr. Gideon Lincecum, of Long Point, Texas, is announced as having taken place at his residence on the 28th of November last, in his eighty-second year. Dr. Lincecum was well known to the naturalists of the United States on account of his ability as an observer and the wonderful minuteness of his investigations into the habits and peculiarities of American animals. His contributions in this direction to the archives of the Smithsonian Institution, to the American Naturalist, to the Academy of Natural Sciences, and to the American Sportsman were very numerous and varied, and have been extensively copied at home and abroad. During the greater part of his life he was a resident in Texas, although he spent a few years in Tuxpan. In addition to his contributions of notes, Dr. Lincecum was an extensive collector of specimens, especially of insects and reptiles, of which he sent large numbers to the museums of the North. Among the more important natural history papers by Dr. Lincecum were articles upon the honey ant of Texas, upon the habits of various species of birds, etc."

<sup>2</sup> For what I shall relate in reference to my father's family I am indebted to my grandmother Lincecum, who was a highly educated Scotch lady, and who, it seems, had taken some pains to collect and store up some of the most prominent items in reference to the origin and history of her noble, liberty loving husband, who fell fighting for freedom years before I was born.

596 pounds, and hold it on his arms until a six inch rule was set under it. He was the son of Gideon Lincecum, who was born in France, and brought to America when he was an infant. Gideon Lincecum was the son of Paschal Lincecum, who was the son of one "Linseycomb," an Englishman, left by the British army as an unexchanged prisoner in France. He was born in England in 1689.

At the age of sixteen young Linseycomb was enrolled in the English army and sent to France. It is not known how long he remained in the army. He did not return to England, but married and made his home in France. He had only one son who was named Paschal. Upon him was bestowed all the learning that the means of his parents would allow. He grew up to manhood, in the literature of his nation, and not fancying the English orthography of his father's name, changed it to Lincecum. In due time he took a wife. It was a happy union and within the first year of their wedded life a vigorous, healthy son was born to them. Had it not been for his cherishing the principles of liberty and siding with the Republican party, which at that period was beginning to make itself felt, he would probably have lived happily in his native country.

The new born son was named Gideon. As Paschal Lincecum was a Huguenot, he was called upon by the government authorities to renounce his faith. This demand, coupled with his political principles, caused him to decide to remove with his family to America. He settled in Maryland, where he lived the remainder of his days.

About the time Gideon Lincecum came to manhood, James Bowie—grandfather of the celebrated desperado who originated the Bowie knife—and his sister Miriam, a beautiful Scotch lass, settled near the Lincecum family. The beauty of the young girl attracted the attention of the young Frenchman. In the course of time they entered into a matrimonial agreement. But the friends of both parties were violently opposed to their union. The elder Lincecum was a little touched with aristocratic pretensions and he did not relish the idea of his son's uniting himself with a stranger from Scotland. On the other side, Mr. Bowie said that he could not consent for his beautiful and accomplished sister to become the wife of a frog-eating Frenchman. The

young couple soon settled the matter, however, by an elopement. They then settled on the Saluda river in the colony of North Carolina, where they remained fifteen years. During this time five children were born to them. They were two sons, Edward and John, and three daughters, Sally, Dolly and Nancy.

In 1796, hearing good accounts of the territory of Georgia, they sold their possessions in North Carolina and moved to Warren county in the aforesaid colony. Here another son, Hezekiah, was added to the family. Miriam Lincecum died in 1813 and was buried a mile and a half north of Eatonton, Ga.

In the War of the Revolution, Gideon Lincecum was captain of a company of rangers organized for the protection of the frontiers against the incursions of the Muskogee Indians, who were at that time very troublesome on the border settlements of Georgia, being hired by the British to kill and scalp the people of that State. The Indians received from the British Government for each scalp of man, woman or child a bottle of rum and \$8.00 in money. Captain Lincecum and his rangers, 100 strong, made frequent excursions along the Oconee river, which was at that time the boundary line between the Indians and the white people. His operations during the war were confined to the border country, where the Tories and the Indians were committing depredations continually. Against these savage enemies he made frequent successful sallies until Augusta fell into the hands of the British. Captain Lincecum was foully murdered and scalped five times by a body of Indians, who attacked him from ambush while in the service of his country. After the fall of Augusta and the death of Captain Lincecum the patriot army under Colonel Few was ordered to South Carolina. The remaining population of the country which had been protected by Captain Lincecum, principally women and children, then became greatly alarmed for their safety. In order to escape the danger threatened by the Tories, the widow of the late Captain Lincecum, who had already been whipped with an iron ramrod to make her tell where she had concealed her money, decided to move into South Carolina. Her negroes had all run away and left her in a helpless condition. A number of the Georgia people were also moving into South Carolina. She gathered up such things as she could



carry and went with her six children into Edgefield district, where she remained until peace was declared.

During this time her sons, Edward and John, grew up and were married in South Carolina. This, however, did not exempt them from army service; for they were both taken prisoners and shot soon after the battle of Cowpens. As soon as peace was proclaimed, the widow Lincecum returned to her home in Georgia, leaving her two daughters-in-law with their parents in South Carolina. She never heard what became of them. When she reached her old home, she found only piles of charred wheat and rye where the barn had stood. All the houses, fences, etc., had long since been consumed by Tory incendiarism. She had been absent seven years. Her stock of cows, hogs, sheep, horses, had all been appropriated. She had nothing but the bare earth that she could call her own. But there was Jonathan Haggarthy, Clabe Nusum, Nance Few, and David Crisswell, old rebel neighbors, strong good men, who had passed through the stormy Revolution unscathed, and were home again, as good friends and neighbors as ever; and they lent a helping hand to the widow and orphans. This timely aid with what she and her three daughters, now nearly grown, could do, enabled them to live on till they got houses built and a little farm in operation. Help also came from another source. Two of her negroes,—a man and a woman, Africans,—who had concealed themselves eight years in Williamson swamp now returned to her. During their long period in hiding they subsisted on pigs, geese, frogs, snakes, fishes—anything they could lay their hands on without exposure. They had been in America only two or three years when the war broke out, and the marauding Tories had frightened them so much that they fled into concealment, where they remained until they discovered in their nocturnal excursions that people were returning to their old places again. Seeing all this and hearing no drums or any indications of war, Tom, the male African, took it into his head to creep out in the night, and go to his old home and see if "Missus" had come back too. When he came there and found that she was home again, and that his people—"Missus," Dolly and Ky, his favorites—had returned, he could contain himself no longer. He rushed into the little cabin, exclaiming: "God a blessy! God a blessy! me Tom, me Tom; hi ki, me glad!" and

he wallowed on the ground. He put dirt on his head, and put his mistress' foot on it, and sobbed heavily. He then rose up and darted out of the door and was gone in an instant. Early next day he returned with his wife, Hannah, both loaded with enormous packs of old pieces of quilts and other bed clothes they had picked up after the runaway. So they got proudly back, and as they were both young, they greatly helped the family.

Now that peace was assured, the widow and her children struggled on in their poverty, striving to increase their stores. Hezekiah was a well grown, thirteen year old boy, could go to the far off mill, and do most of the errands. Tom and Hannah cultivated the little farm, and the old lady and her grown up girls, spun and wove cloth to clothe the family, and to make a little surplus money with which to purchase other necessities. And in this manner things rolled on three or four years, until the smoke and shadow of the war cloud had disappeared.

About this time came Thomas Roberts, an Englishman, who had deserted the British service, and had joined the rebel army and done good service in it during the last three years of the Revolution. He was a highly educated man, and notorious for his profane and obscene language. He stopped with the Kelly family, and said he intended to get a wife and raise a family of freeborn children. He visited the widow Lincecum's girls. They did not fancy his bold manner. However, Hezekiah pleased him and he used all his powers of fascination to gain the boy's affections, in which he succeeded fully. It was at this time that a bounty was offered to enlist two or three regiments of men to protect the border country against the Muskogee Indians, who were making frequent inroads and committing depredations along the entire line of the frontiers of Georgia. Mr. Roberts enlisted in the State service and also induced his pet, Hezekiah, to take the bounty. It grieved his mother, who had already lost two sons and her husband in the army. Besides all this Hezekiah was at that date the only male of the name in the known world, and on this account particularly she opposed his enlistment. But he had received the bounty, was already in the camps, and all her efforts availed nothing.

At the expiration of three years, a treaty of peace was concluded with the Indians and the army disbanded. Hezekiah was

grown to be a very large and extremely active man, highly educated in all the arts, strokes and punches in pugilistic science, returned to the old "stamping ground," fully able to whip every man in the settlement who dared to oppose him. He could, too, "hold his hand" with any of them in the use of strong drink. Roberts who had been his teacher in these attainments was always on hand. Soon after their return Roberts and Miss Elizabeth Kelly were married, and he advised his pupil, Hezekiah, to do likewise. Now Hezekiah was not only a large, portly, well formed man, but a very handsome man, with a most musical voice.

At this time came Abram Brantley, a Baptist preacher, who by his earnest eloquence, began to stir up sinners and make them stop and think. It was a new thing, being the first preaching that had been heard in that vicinity since the war. Parson Brantley viewing the irreligious condition of the people, was anxious to see what he could do towards producing a change among them. For this purpose he visited every family, praying with them and exercising his bland persuasive powers in his familiar conversations. In making his rounds in the neighborhood, he called at the house of the widow Lincecum. She had been a conscientious religionist of the Baptist persuasion all her life, and she was thankful for the preacher's attention.

Her daughters were all married and gone, leaving her household to consist only of Hezekiah and herself. The parson sang and prayed with them. Hezekiah took a full part in the singing, and his firm, manly, melodious voice fairly made the heavenly arches ring. The parson was surprised at the wonderful scope and powers of his voice, so much so that he could not help speaking of it. And he told Hezekiah that the Lord had done a great deal for him, for which he ought to be very thankful; that his fine form, handsome face and sweet, musical voice eminently fitted him for a preacher of the Gospel; and that he should lose no time but go to work, studying and improving his mind, and praying God to aid him in his preparation for the ministry.

This flattering address waked up a new train of thought in the brain of the handsome young man. He believed all the preacher had said, and forming a resolution to follow the advice, he went to praying forthwith. He attended all the meetings, praying and singing, and it was but a short time till all the people noticed



and talked of the progress he was making in his religious exercises. Soon he confessed his sins; told his experience and was accepted, not only as a worthy member, but as a bright star and ornament in the Church of God. He was baptized, and came out of the water shouting praises, and exhorting the people to flee from the wrath to come; to renounce their sins, come to Christ and be baptized.<sup>3</sup>

<sup>3</sup>For this portion of my narrative I am indebted to Stephen Camp, an old man whom I found dwelling in the hill country, of the head waters of New river, Alabama, in 1843. I spent six weeks at some mineral springs near his residence, and the old man spent many days at my camp, telling many things about his old army friend and messmate, Hezekiah. He said he remembered and could tell me all about "Kiah's"—as he called Hezekiah—religious experience, and how it terminated, which was he said somewhat funny.

He said that Kiah improved rapidly in singing and praying; and it was but a short time till he was closing meetings and making very pretty public exhortations. No one hesitated to prophesy that he would make "a big preacher, sure, and no mistake." In the course of time, however, charges were preferred against him for performing the ceremony of baptism on a cat, and the church withdrew fellowship from him. In the mean time Hezekiah had married a beautiful young lady by the name of Sally Strange. As a result of some mysterious and unreconcilable difference between them they soon separated. After his exclusion from the church he made a resolution that he would by his good behavior and sobriety falsify the numerous predictions that had been made by the brethren in regard to the course he would pursue after he was out of its protecting influence.

There was a little log cabin school started in the settlement, and Hezekiah, greatly feeling the need of an education—he was almost entirely illiterate—entered this school. He strove with all his powers to learn the books, but was a little too far advanced in years and had witnessed too many brain-racking vicissitudes to be a very apt schoolboy. Besides this, the widow Hickman's daughter, Sally, a most beautiful girl fourteen and a half years of age attended the same school. He felt the desire to possess the fair, young creature more strongly than he felt the want of an education. He, therefore, turned his attention from his books

to the pretty Sally and they were soon married, Parson Brantley performing the ceremony.

He then returned with his wife to the humble home of the widow Lincecum, to remain until he had built a house of his own. He then went to his new home with his young bride, and bravely labored to mend their condition. They succeeded very well. In the course of twelve months they owned a horse, a cow, had a little start for a stock of hogs, a bed, and some other furniture. In addition to all this, as the sun was rising, Monday morning, the 22nd day of April, 1793, when she was sixteen years and forty-eight days of age, the lovely, industrious young wife gave birth to a full formed and quite large male child. Hezekiah was in ecstasy on the occasion, and named the new comer for his father, Gideon.

Hezekiah remained two seasons at that place, but being of a restless spirit, he sold out and moved farther out on the border, settling near the Scull Shoals on the Oconee river, Georgia. At this place the Indians proved so troublesome that he remained only two years. He returned to Hancock county, and bought out a man by the name of Byrd Brazil. This was a good home, near the place where he had lived before, where Gideon, his son, was born.

On this place he remained three years, accumulating property very rapidly. Here he raised the first crop of cotton that ever grew in that portion of Georgia. They had a little hand roller gin, with which and their fingers, they picked the seeds out of the cotton. They would then tread it into an ordinary meal sack and carry it to market—the nearest store—where they received in silver fifty cents a pound for it.

The greatest trouble was to get the seeds out of the cotton, and the inventive genius of the whole community was excited to the highest degree. Various kinds of roller gins were produced. Some went by horse power, having a breast filled with many rollers. They were capable of picking three or four hundred pounds of seed cotton per day. People began to think that these many-rollered gins were the perfection in that direction, and that there was very little, if any, improvement to be made in the gin. To clean the seeds from 400 pounds of seed cotton per day was good enough; and it could not be improved upon.

But this miracle of a cotton gin was destined to be totally eclipsed. It was stated that a Yankee schoolmaster, over in Lincoln county, Ga., by the name of Whitney, had invented an iron gin with thirty circular saws. It was driven by horse power and could, it was said, but nobody believed it, clean 1,000 pounds of seed cotton in a day. The wonderful reports about the saw gin had excited public curiosity, far and wide—numbers were going daily to see it. Amongst them Hezekiah, my father, went to see it, and took me, a nine year old boy, along too. And I, too, saw the man Whitney, and the first saw gin that was ever made.

It had thirty saws, crooked breasting, and was every way like the best form of gins at the present day. The invention was perfect at the start and has not been improved except perhaps a few alterations in the pulleys and running gear; and it has been made larger.

About this time Tyre Kelly, James and John Hickman, of Tennessee, three brothers-in-law, wrote my father frequent letters, urging him to sell out and go to that rich country. He, being naturally of a restless disposition, was very willing to try the experiment. He soon found a purchaser for his rich, money making home. Three years of successful farming had tired him out. He sold out everything that he could not carry with him, bought a good road wagon and four fine horses, and set out for Tennessee. The amount of freight he had to transport was a big chest, four beds, four white and four negro children, and his mother, who was at that time 88 years of age. She was a little indisposed when we started, and her sickness became so serious that the violence of her paroxysms frightened my father so much that he went to the house of a Mr. Morris, who was nearest to our camp, and got him to agree to let her have shelter with him while her sickness lasted. Her sickness continued three weeks, and my father, concluding that the fates were opposed to his removal to Tennessee, became discouraged, rented Mr. Morris's place and moved the family into Morris's house. Morris was an old man, had no children with him, and he and his old wife went to live with one of his sons. My father worked hard that year, made a large crop of cotton, which he sold for \$5.00 a hundred in the seed. He had kept his wagon and fine horses and with the money he got for his cotton and corn crop, he was better prepared to meet



the expenses of the long journey than he had been the year before.

So he fixed up again, having for his cargo, grandmother, four negro children and only three white children. I had grown to be such a big boy and, having a splendid bow and arrows in hand, I could not think of riding in the wagon. I preferred walking with my mother and Pat, my black mammy, and shooting at the birds as we traveled along the road. I never shall forget the exceeding gladness that filled my boy's heart the morning we set out from Morris's place on our journey for Tennessee. I ran far ahead of the moving company, shooting my arrows at every bird I could see. We rolled on four days, until we came in view of a little, dilapidated village on the bank of the Savannah river; just below the mouth of Broad river. There was other company ahead of us, and we could not get our wagon into the flat till near sundown. Just as the wagon was turning to go down into the ferry boat, a quite handsome young lady came up and, without asking any questions, threw a small budget into the wagon, and crossed over with us. After getting over into South Carolina, we had only time to get out into the timber when it was night. Here we camped. While they were collecting wood to make a fire, the before mentioned young lady came into camp with a heavier log of wood on her shoulder, my father said, than a man could carry. In a few days this young lady who proved to be Miss Melinda Nevils was married to my cousin, Asa Lincecum, who had joined us a few days previous to our setting out from Georgia.

We remained at that camp three days, during two of which my father had been away with an old drunken Irishman, who had come there the day after we pitched camp. Mother was uneasy and said she did not understand it; that it was too bad to lose three days of pretty, fair weather in such a long journey. But father came back the evening of the third day and astonished us all by informing us that he had rented an excellent farm on Calhoun's creek, Abbeville district, S. C.

We went there the next day and found the house a very good one and the land excellent. There was another good house on the farm, and Asa agreed to make a crop with my father, as there was plenty of open land on the place. He and his wife had

nothing but their health and strength to begin life with, not even a blanket. But they had courage, and they went bravely to work, clearing the land and fixing up their house. Mother lent them a bedstead and some blankets. Asa made a fine crop of cotton and corn and Melinda spun and made cloth sufficient for clothing and household use. In the course of a year they had accumulated a wagon load of property. My father paid Asa for his share of the large crop they made, and it enabled them to supply all their immediate necessities.

My father sold his cotton for a good price and made a visit to his sister, living in Clark county, Ga. He was gone two or three weeks, and when he returned, he told my mother that he had purchased a tract of land with a good house on it, one mile from Athens, Ga. We were soon on the road again, returning to Georgia. In the course of a week we reached our new home. Father exerted every power at his new place. He planted and raised a large crop of cotton; and as soon as it began to open, every one that could pick five pounds a day was forced into the cotton field. I soon learned to pick thirty pounds a day, and as a reward for my industry, father got a blacksmith to make me a nice spike for my arrow. This was a thing I had long needed to shoot the pike that were found in great numbers in the little creeks and branches of that country. They could be found lying perfectly still in the little nooks and by-places in the water. My good spike was barbed, and would not let the fish escape after it had stuck in them. No pen can portray the delight I experienced on returning home with a string of fish a yard long,—the result of my first day's sport. We succeeded in gathering the cotton by Christmas, and father took it to the gin and got the receipts for 4,643 pounds, for which he received five cents a pound.

He again became restless, and selling his place, put his wagon in good repair, set out on this third attempt to get to Tennessee. This time his cargo, besides the beds, trunks, etc., consisted of grandmother, four white and four black children. He had also two white children and one negro child walking. The weather was fine, and we made good progress. I was delighted that we were on the road. Being in my twelfth year, I was an expert with a bow and arrow, and could run far ahead, shooting and killing many birds in the course of a day.

Father hired a straggling old fellow to drive for this trip, and we rolled on bravely until we came to Saluda river. There was there a store and a blacksmith shop, and we stopped until the smith nailed a pair of shoes on the out-riding horse. Father and his teamster became somewhat intoxicated and got two bottles of whiskey to carry with them. The river was wide and swift, but shallow. We forded it, and in the course of two hours were all safely landed on the border of South Carolina again. After going about five miles my father and the driver became more deeply intoxicated. The latter fell off the wagon and frightened the horses. They ran away and tore up the wagon, hurting all who were in it. My grandmother was very seriously wounded. It became necessary for us to remain at this place three weeks before my grandmother was able to travel again. At the end of this time my father told us that he had decided to purchase a place from a man by the name of Hamilton, who lived on a hill nearby. My father gave him some money and his wagon and two horses for the place. This was in Pendleton district, S. C.

We had on this place a large orchard. There were in it fifty peach trees, said to be forty-four years old. They made a very fine crop of peaches, which my father gathered and carried to a still, where he had them made into brandy. This, with all of his corn and fodder that he could spare, he sold to travelers for ready money at a good price. It was an easy place to make a living, and my father seemed to be quieting down to a settled state of mind. All of the family were satisfied and willing to remain there. Unfortunately my uncle, Tyre Kelly, who had been living in Tennessee, stopped with us on his way to Georgia. He and his eight motherless children remained with us a month. After they left my father became restless again, and sold his place at the first opportunity.

We were soon on the road again. The next time we stopped it was at a place a mile from where we lived the previous year.

The lands beyond the Oconee river had been obtained by the United States from the Muskogee Indians. No one had moved into this new purchase, and as father intended to settle there as soon as the Indians had completed the twelve months' hunting which had been by a stipulation in the treaty with the United



States reserved to them, he took an overseer's place instead of purchasing land.

There came a man by the name of Young Gill, with his family, and made up a school, which was to be kept in a little old log cabin, a mile and a half from our home. Father entered my sister, brother and me as day scholars at the rate of \$7.00 each per annum. We three started the next day and did not miss a day until father moved to the new purchase five months later. I was fourteen years old, and it was the first schoolhouse I had ever seen. I began in the alphabet. There were some very small boys, seven years old, who could read.

Whenever Mr. Gill would storm out, "Mind your book," the scholars would strike up a loud, blatant confusion of tongues, which surpassed anything I had ever heard before. There I sat in a sea of burning shame, while the clatter and glib clap of tongues rattled on. I soon accustomed myself to this method of studying aloud and felt myself very much at home. In accordance with the instructions of the master to come up and recite as soon as I was ready, I managed to say a lesson about every fifteen or twenty minutes during the first day. I was then spelling words of four letters. By hard study at night I was able to spell words of two syllables on the morning of the second day. I had one of Dillworth's spelling books at first, but there was so much talk about the new spelling book,—Webster's—that father got me one. The teacher soon told me to bring paper and ink to school. He made me a pen and told me that after every lesson I must write two lines. He marked a place on the writing bench that was to be called mine, and said "Here you are to keep your paper, ink, pens, books, etc., and no one shall interfere with them." I felt very proud of my writing place, though it was nothing more than a wide two inch plank laid on some slanting pins or pegs, driven into two inch auger holes, in one of the pine logs that was a part of the wall of the house. The log above this had been cut out its whole length, leaving a long narrow window immediately above the writing bench. The seat consisted of another two inch plank, placed on the top of some stakes driven in the ground,—the house had a dirt floor—and this concludes the inventory of that seminary except some split timbers laid on blocks for seat.

The rule was that he who got to the schoolhouse first said his lesson first; and when the teacher came in—which was never later than an hour by sun—he took his seat and immediately repeated “Come, First.” This meant that he who had got there first should come and recite his lesson. The school hours were from an hour by sun in the morning to an hour by sun in the evening.

At the end of the five months I could read, the master said, “very well,” could write a pretty fair hand by a copy, had progressed in the arithmetic to the double root of three, and had committed Webster’s spelling book entirely to memory, besides many pieces of poetry which the teacher gave me for night lessons, many of which I remember yet.

When the Indians had finished their year of hunting and retired from the new purchase my father took me with him to explore the country. We crossed the Oconee river and traversed the lands of the new purchase ten or twelve days. He preferred the country on Little river, selected a place and we returned home to make ready for the removal as soon as possible. The newly acquired land belonged to the State, and the Legislature enacted that it should be surveyed into lots of 202½ acres each, and have it drawn for by her citizens in general lottery. Men having families were entitled to two tickets; single men and women of age, and sets of orphaned children, one ticket, each. My father had been moving and shackling about so much that he was not entitled to a chance in the lottery,—and the place he had selected on Little river had been drawn by a man who would not part with it. This discovery was not made until we had moved on to it. Father then found a place belonging to Thomas McLellon, with a double cabin on it. For this place he gave all the money he had, with “Mammy Pat” and two of her children. It was situated in the wild woods, on a beautiful clear running creek, in one mile of where Eatonton now stands.

Great numbers of people flocked into the country, and the next year after we came there the county seat was laid off and named Eatonton. I was one of the chain carriers to survey the streets and lots though I was but fourteen years old. We had cleared and planted ten acres of ground the year before, and this year we cleared fifteen acres more. About this time my father and I

had a misunderstanding and I decided to leave home. I hired to a man by the name of William Wilkins, a merchant at Eatonton. I worked for him two years remaining in his home during this time. At the end of the first year I had a serious difficulty with a man by the name of Clark, who had insulted me several times. He was discharged by Mr. Wilkins, who put me in entire charge of his business. After my second year with Mr. Wilkins I was employed by Mr. Thompson, a more prosperous merchant, who paid me a salary of \$500.00 a year.

In the meantime I had studied medicine during odd moments. The War of 1812 was approaching. I left the store and confined myself entirely to the study of medicine until the declaration of war. I then enlisted in a company of volunteers, but as the people of Putnam county had elected me tax collector, I could enlist for only five months. I had to begin collecting in January, and it was in the month of August when I went into the army. I served until the first of January; then went home, collected the taxes, paid the money into the treasury and married. I served another period of three months after I was married, and in the spring of 1815 went home and gave my father a faithful year's work.

The next year I joined forces and farmed with Judge Strong. He had three hands and sixty acres of open land. I had forty acres of open land and two hands. He was to furnish all the provisions, smithing, etc. I was to superintend the farm and we were to make an equal division of the proceeds of the crop. I planted sixty acres in cotton and forty in corn. I cultivated the ground carefully and both crops were very good. That year cotton was worth  $31\frac{1}{2}$  cents a pound, but I became restless and did not feel like staying in that country until the crop could be gathered. The Alabama, Black Warrior, Tombecbee, and Chatahoochie countries had all been acquired by conquest, and I was determined to seek a home in the wilderness. My father had made up his mind to go to the new country with his large family and he had been insinuating to me the propriety of breaking up to go with him. There was another *little thing* that increased my restlessness. My wife's relations were all wealthy and my wife said they had been mean enough to cast little slurs at her and her poverty. She also persuaded me to sell out and go with my



father to the new country. All these influences confirmed me in the resolution to get ready and bid adieu to my native State.

Father and I sold out our possessions and were soon on the road to the new country. We had proceeded about forty-five miles when we came to the Ocmulgee river, which at that time was a dividing line between the Georgians and the Creek Indians. A man by the name of Ferguson came to our camp and getting a little "tight" with my father, in a kind of prolic, sold my father his land and cattle. All along the river the people owned herds of cattle which they kept in the range on the Indian side of it. There was plenty of deer over there, too; and being satisfied that my father would not remain more than a year, I concluded to stop also and do what I had never done in my life; idle away the time until he got tired of his bargain and made ready to move again.

I could continue my medical reading, fish in the river, and hunt the deer beyond it; and in this way have a pleasant time. I had made two or three very successful hunting excursions, had been fishing at my baited hole, and caught some fine fat red horse, and was highly pleased at the prospects for a pleasant year's amusement.

The country near the river was densely settled. At a little gathering one day I heard some of the men say that the boys had turned out and ducked and abused White, their school-master, so badly that he had quit the school. Some of the men remarked that their children were so bad that they feared they could never find a man that would be able to manage them. In reply to a remark which I inadvertently made one of the gentlemen asked me if I could manage them, saying that if I would undertake it they would furnish me with forty pupils and give me ten dollars a piece to teach them until the first of December, which would be nine and a half months and they would pay me the cash when the term expired. It struck me at once that this would be a more profitable employment than hunting and fishing, and I told them to make out their articles, appoint a school committee, and tell me where and when to go and I would undertake it.

They immediately made out the school articles, requiring me to teach only reading, writing and arithmetic. I signed them, and they told me to meet the scholars they would furnish me the

ensuing Monday morning at the mineral springs, two miles from where I resided.

According to appointment I was there at eight o'clock, and I was astonished at the number of people I found there. The committee consisted of five men. There were forty-five pupils—fifteen grown young men, five of them married, five grown young ladies, and boys and girls of all sizes and ages to make up the forty-five. All entered for the full term.

After sitting till I had examined their books and set the lessons, the committee rose up and remarked: "We feel well pleased at your method of setting your classes to work, and, sir, you see what you have before you, we wish and believe that you will succeed." They bowed a good day and left.

These children had been born and raised to the age I found them among the cows and drunken cowdrivers on the outer borders of the State, and they were positively the coarsest specimens of the human family I had ever seen. I saw very distinctly that no civil or ordinary means would be applicable to their conditions.

In the course of the first day they had half a dozen fights in the house; talking and laughing went on incessantly; and at play time the cry of look what this one or that one is doing to me rang out from every part of the play ground. Those married and grown up young men participated in the devilment and seemed to enjoy it hugely. At the expiration of one hour, I called them to books, and one of the men as he came in at the door remarked, "You give but short play time, Mistofer." I replied good humoredly, as I should, "You will please recollect, my young friend, that this is my first day with you. I may learn to suit you better after a while." I further remarked to the young man that my intention was to make it the most pleasant and most instructive school that had ever been instituted in that country, and that I should, when the proper time arrived, called upon him and his companions to aid me in the prosecution of a scheme I had arranged in my mind to make it so. "Hurrah for you! Boys he is the fellow we ought to have had here all the time," was his reply.

They got their books and had a long talk about what I had said. They wondered what I could do to make the school more pleasant than it was.

I was bowed down over my desk, writing out my plans for the government of the school which really consisted of the most outrageous ruffians, rollicking young women, and naughty children I had ever seen. I would occasionally, without looking up, cry out "Mind your books," to which they did not seem to pay any attention. I called them up to say their lessons; and to this part of the exercise I paid strict attention, prompting and instructing them in the kindest and friendliest terms possible, and encouraging them to be good and get their lessons well. And so it went on with many curious and disgusting occurrences until twelve o'clock Friday. I had by that time completed a constitution and set of by-laws which were intended to teach the poor untutored marauders to govern themselves.

As soon as they had got through with their dinner Friday, they came rushing, and one of the men said good humoredly, "What's up now, hoss?" I replied "It is Friday afternoon, and I am desirous of reading to you a set of rules for the school to go by. I have been engaged writing them all the week. Seeing the school is so large it is necessary that there should be some systematic regulations to insure and control the equal rights of each individual. If you will all be seated I will read what I have written that you may judge of its propriety and see what you think of it." They all took seats and became more and more attentive until I got through with the reading.

The constitution provided for a regularly organized court,—judge, clerk, jury, sheriff and a monitor. It made me the sheriff. It also specified the character and degrees of crime, terms of office, etc. The by-laws regulated the terms of courts, duty of the officers, modes of drawing jurors, and the manner of conducting trials, punishments, etc., etc.

I read it very distinctly, and when I had finished it I enquired: "Well, gentlemen and ladies, what is your opinion of the documents?" They unanimously exclaimed, "It is the best thing in the world." "With your permission," I said, "I will take the vote of the school on the subject." "Yes, go it, hoss, it's a good thing," one of the married men said. And I put the question "All you who are in favor of this constitution and accompanying by-laws for the government and regulation of this school will



make it known by saying 'Aye.' The vote was unanimous in its favor.

I expressed my gratification at the result, and told them that I looked upon it as a very favorable indication to find them all of one mind on a subject of so great importance to them; and that I hoped to be able to convince them thoroughly before the school term had expired that the vote they had given was on the right side of the question. I added "To certify your approbations, it is proper that you all put your names to the constitution. Let the married men sign first." Not more than half of the grown ones could write. They ordered me as sheriff to write their names. In the course of an hour all their names except those of the little ones who could not understand its nature, were on the paper.

One of the married men, whose name was Scatterwhite, exultingly remarked "I tell you what, folks, this is a big thing. We never had such sort of doings afore in these diggings. What next, old hoss?" My reply was, "The constitution provides that officers of the court should be appointed by election." I then moved that an election be held for judge, clerk and monitor, the sheriff being already appointed by the constitution. "Name your candidates; and as it is a part of my duty to appoint managers and superintend elections, we can hold one immediately. After a good deal of telling and directing and much awkwardness, we succeeded in bungling out the officers.

I made out the monitor's list and after explaining it to him, I seated them and read the constitution and by-laws to them again. They were all so much pleased that they fairly shouted, and said they had heard how "the great folks done away far off, but none of them have ever come here afore."

After telling them that the constitution and rules were to be read every day at 12 m. and that Friday was the regular court day, I dismissed them. They went off in great glee.

At an hour by sun Monday morning the whole number of pupils was present, and I thought I could discover a considerable change in their behavior. I concluded that it would be proper to read the constitution to them to start with. I assured them that I felt confident that with such a healthy, smart set of pupils as I had, that long before the nine months would expire, I would teach

them and expand their minds to such a degree that it would excite the interest of their parents and other people to come and hear their court trials and their lawyers speak every Friday afternoon. To effectuate these great results the constitution and by-laws must be strictly adhered to, and they must pursue their studies industriously and earnestly. A number of them exclaimed that they believed what I said and were determined to do their best to follow my instructions. The effects of having put their names to the constitution on their general behavior was very visible. We got through the week without a fight, with but little talking in book time, and they got their lessons pretty well.

Friday came, and as soon as dinner was over they came into the house and demanded to have the court organized. I drew out a jury, and after some time got them to begin. The first case on the monitor's list was that of Stephen Herd, a grown man. The offense was throwing a little girl's bonnet into the branch. I appointed a lawyer for the defense, but being backward and awkward he and the solicitor said but few words. The judge read the law in such cases, and put the case to the jury. They returned in a few minutes with the verdict of guilty. The judge sentenced him with three lashes, well laid on with a hickory. I had cut and trimmed a number of nice hickory switches and had them sitting handy. I selected a good one and said "Come up, Stephen." Stephen came up smiling and looked as if he expected that as he was a grown man, I would just go through the motions with *him*. I laid my switch against his back to measure the distance, and then, with all the force I possessed, inflicted the three lashes, cutting the homespun back of his waistcoat into three ribbands. It surprised him so badly that he burst out crying, and said that he knew of some things that were not on the monitor's list which he could tell if he was a mind to. I said "Tell it to the court Stephen, and whatever the decision of that body may direct me to do, you may rest assured that I will faithfully execute it. I am an instrument in your hands; you have the laws and regulations in your own hands, and whatever in your deliberations you may order shall not fail on my part."

The next case was that of Elijah Scatterwhite, one of the jury. And drawing another to fill his place, I

slipped in Stephen Herd, hoping that as he had just been punished he would be hard in the case and go for punishment. The crime was for willfully running over a little boy. In this trial the lawyers were a little bolder, understood it better and spoke more to the point. The trial was a little more interesting, and the case being put to the jury, they went out. There being nothing but the wall between the seat I occupied and where they were sitting, I could distinctly hear their deliberations. They were highly elated at the prompt and vigorous manner in which I had discharged the mandate of the court, and were loud for finding Scatterwhite guilty of a good deal of offence. They seemed to rejoice at the opportunity and power they possessed, and were in favor of putting it on to their criminal in good style, except Stephen Herd who had not as yet expressed himself either way, "Well, Steve, what's your verdict in this case?" they asked. "Well, boys," said he, "I have been thinking about the matter very seriously. In the first place I think we have an excellent chance with this man to learn a great deal, if we play our parts correctly. I also think that the regulations to which we have all signed our names is the best thing of the kind that could be made. It is liberal and just, placing the government of the school in our own hands, with the teacher to prompt, instruct and direct; and I am certain that if we perform our parts as well as I am now convinced he is sure to do, we shall all be proud of it. But if we all go for thrashing and punishment for every little offence, we shall soon all get up the spirit of spite among us and the school will go to nothing as all other schools have done in this settlement. I say, let us all try to do better, be more particular with the little ones, more respectful and polite to one another and as lenient in inflicting penalty as the law will allow us. In this case of Scatterwhite's it was not clearly proven that the act was willfully committed. The boy was not hurt, but made very angry and his clothes a little soiled. Mind you, I am not in favor of clearing Lige, but fine him. My verdict would be find him guilty of running over the boy, without the *willful* and fine him." Some of them said "Make out your verdict and let's see how it looks." So Stephen wrote "Guilty, but not willfully." They all agreed and brought it in. The judge sentenced him to pay three dozen good goose quills.



You will ask what they did with the fines. Well, the constitution recognized a treasury and an officer to take charge of and keep a regular book of all the receipts and disbursements. The treasury belonged to the school, the fines being all of a character suitable for school use. Any student could go with a lawful application and draw and receipt for anything he actually needed.

But Stephen Herd was the first and the last to receive corporal punishment. He was also the first to advocate its abolition. He afterwards became one of the most solid lawyers in my school. Green Wheeler and George Clayton were the other two. All three of them became distinguished lawyers of the State afterwards.

The school went on increasing in efficiency every day, and the interest that was excited among my employers filled the house every Friday afternoon with spectators. The boys borrowed law books and all of them were filled with the spirit of progress, and before the term was half out they were performing court action finely.

Several holidays occurred. At such times a very respectful petition was drawn by a committee appointed for the purpose, specifying its object, and praying for a few days of vacation for the purpose of recreation. This was always granted in a manner that delighted not only the pupils but their parents and guardians.

They had all, males and females, become tame and quite polite, and on the last two days of the term had an examination. At the conclusion of it, my employers declared it to be a complete success. They paid every dollar that was due me and offered me \$1,000.00 to teach another session of ten months. I declined most respectfully; for father had sold out and was ready to take the road again.

My father loved a border life, and the place he had purchased on the Ocmulgee, as the people had already commenced settling on the opposite side of the river, was no longer looked upon as a border country. He sold his place and was soon equipped and geared up for the road, and so was I. I had been reared to a belief and faith in the pleasure of frequent change of country, and I looked upon the long journey, through the wilderness, with much pleasure.

Our company consisted of my father and mother and eight

children, with six negroes; Joseph Bryan, my brother-in-law, and his wife and two negroes; my wife and me and two small sons and two negroes. We had good horses and wagons and guns and big dogs. We set out on the 10th of March, 1818. I felt as if I was on a big camp hunt.

The journey, the way we traveled, was about 500 miles, all wilderness; full of deer and turkeys, and the streams were full of fish. We were six weeks on the road; and, altogether it was, as I thought and felt, the most delightful time I had ever spent in my life. My brother Garland and I "flanked it" as the wagons rolled along and killed deer, turkeys, wild pigeons; and at nights, with pine torches, we fished and killed a great many with my bow and arrows, whenever we camped on any water course. Little creeks were full of fish in that season.

At length we reached Tuscaloosa, Ala. It was at that time a small log cabin village; but people from Tennessee were arriving daily, and in the course of that year it grew to be a considerable town.

I concluded to stop there, and my father and his family and Bryan and his family continued their journey to a small improvement eight miles below Tuscaloosa, on the river, where they settled, and, cutting down a canebrake, made corn; and killed bear, venison and fish enough to supply the family.

I fished and had as much as we needed of that kind of food, but there were no bear nor deer in reach of the town, and I had to buy provisions at enormous rates. Flour, \$25 a barrel; corn, \$2½ a bushel; sugar, 50 cents a pound; coffee, 62½ cents a pound; salt, \$8 a bushel; bacon, 37½ cents a pound. There was no beef to be had.

I built a little clapboard house on the river side of the town, which had not yet been surveyed. The land hunters from Georgia found us and continued their friendly calls on us until what money I had left from the long journey was eaten up. This was a circumstance for which I had made no provisions. I felt no uneasiness on that account; for I was as strong as two common men and could do anything from cutting and splitting fence rails to fine cabinet work. And in mercantile action was familiar with all the duties from the lumber house to the counting room. I

could mix drugs and practice medicine as far as it was known in the interior of the country in those days. So I felt no alarm at the fact that my money was gone.

I started out early one morning, intending to accept an offer to engage in any kind of business that might present itself to me. I set my face towards Dr. Isbell's shop. It being midsummer, I thought I would try to make some kind of an arrangement with him. But before I reached the doctor's house, I met a very strong man, whose name was John Weeks—I was acquainted with him in Georgia—I asked him where he was going with his whipsaw. He informed me that he had been in partnership with a man that came with him from Tennessee, but that he was such a drunkard he had been forced to quit him.

I asked what he would think of me for a partner. "My friend," said he, "you have never been accustomed to work, and the whipsaw and summer heat will soon upset you."

I told him my money was out; that I must try to make more some way; and that I felt capable of performing any kind of work; that my family was composed of two women and three children, all equally helpless, and that they must be supported.

He did not think I would be able to stand the hot sun and the cutting, hewing and sawing with a whipsaw, and he suggested that the surest way for me to support my family would be a partnership with some of the doctors; or a position as salesman in one of the stores.

I replied that I liked the looks of *that* saw pretty well; and that if he had no other objections than those he had named, I would like to go in with him. I enquired where his family was.

"Well," said he, "if you go in with me I must go in with you. I left my wife and children in Tennessee and have no home here. Planks are worth four dollars a hundred and we can get the cash for all we can make. But it is heavy work I tell you."

So we went into partnership. He furnished the saw and all the tools and I was to let him live with me as one of my family. We divided the products of our labor equally.

We went to work the very next day. We hewed out stocks enough for 1,000 feet of inch planks which we had engaged to saw for Peter Remington, a Yankee who had brought a heavy stock of goods and was in a great hurry to set them up. We



were to have the planks ready by Saturday evening. We had it done a day sooner. It was for a floor and counter; and he gave us twenty dollars to lay down the floor and make the counter, all rough. We completed the job Saturday, and I helped mark and put up goods all day Sunday, for which I received ten dollars.

We continued to saw about two months, averaging eight dollars a day, except a few days when we went hunting and fishing, and one day when we sawed planks and made a skiff.

About the last of August a party of Muscogee Indians who were passing through the country on their way to their country west of the Mississippi were fired on by some foolish Tennesseans. The consequence was the Indians returned the fire and chased them a mile or more. The Tennesseans hurried up to town and reported they had been fired on by some Indians twenty miles below Tuscaloosa, that there were four or five hundred of them, and that they were heading towards Tuscaloosa, and killing all who came in their way.

All the efficient men of the place made immediate preparation to go out and meet them. I also got my rifle ready. There were 25 or 30 men of us in a doctor's shop loading our guns. We were on the verge of setting off. I had loaded my gun, had laid it on the counter and was priming it from a paper that had two pounds of powder in it. Somebody had been tampering with the triggers, and when, after priming the gun, I shut the pan down the cock fell, fired off the gun, ignited the powder in my hands, which exploded and burnt me nearly half in two, even with the top of the counter; blew all the skin and some of the nails off my hands and burnt my face badly. I was badly injured, and was not able to use my hands in three weeks. This misfortune put an end to the whipsaw operations. Weeks hired to Captain Bakon on a keel boat, and I rented a billiard table for one month at \$50. I attended to it myself. The billiard table supported my family, but it could not make money like the whipsaw.

About the time the month expired my father came to town, and informed me that he had just returned from exploring lands on the Tombecbee river and that he found it to be a more desirable country than that on the Tuscaloosa river. He said

that the part he preferred was distant about 75 miles with no road to it, and that he was going to remove there immediately.

I was greatly pleased with his description of the country. He said there was not a house between Tuscaloosa and the Tombecbee, that the Choctaws were near the river on the opposite side, but that nowhere on the east side was to be found any signs that the country had ever been occupied. The forests were very densely timbered, and the bottom lands were covered with the heaviest kinds of cane. Altogether, he said, it was the wildest, least trodden and tomahawk marked country he had ever explored, and that the soil was rich enough.

His description of the dark, heavy forests, the wide thick canebrakes and the clear, running river, full of fish put me into a perfect transport. I told my father that I owed nobody anything. I had nothing to hinder me from starting in two days, if he would be ready by that time; that I could take my effects in a boat down the river to his house where my wagon was.

He said that was what he came to see about; that he was glad to find me so little incumbered; and that he could be ready to move in three days.

I told him I would be with him before that time.

We had only our beds and wearing apparel to move, except a table and a very nice black walnut rocking crib I had made while I was keeping a free hotel during the first part of my sojourn at Tuscaloosa. I had thought of leaving the table and crib, but my wife said that she knew how to dispose of them. She brought Mrs. Bird, our nearest neighbor to see them. She was pleased with them, and gave my wife eight dollars in cash for them and a bread waiter I had made of white oak splits.

We had made every arrangement and packed our goods in our little boat by 4 p. m. the second day. We then bade adieu to Tuscaloosa and to a crowd of our newly made young friends, who had followed us down to the river, helping us to pack the boat.

We got to my father's house about dark. They were all delighted to see us, and we were in a perfect ecstasy over the prospect of a wagon journey through a roadless wilderness. We made the preparation and set out on the 1st day of November, 1818. The weather was fine. We were twelve days *en route* and the heavens were perfectly cloudless during the entire trip. The

autumnal leaves and nuts were clattering down everywhere. Shellbarks, hickory nuts, and chestnuts strewed the ground, and grapes, muscadines, persimmons and various wild autumnal fruits were plentiful. It was delightful to observe the women and children wallowing in the dry leaves in the evening and gathering such quantities of nuts as to require assistance to get them into camp. Then such cracking and roasting nuts and loud merry talk till bedtime.

We killed plenty of deer, turkeys, ducks, wild pigeons, and had the music of great gangs of wolves around our camp every night. The entire trip was delightful beyond description.

Our wagons being the first that had ever traversed that unhacked forest, we, of course, had to make a sufficient road for them to pass. It fell to my lot to go in advance and blaze the way, and by taking advantage of the open spaces amongst the trees, I saved a great deal of time. The woods having been burnt every year by the Indian hunters, there were but few logs remaining, and we got along very nicely. Except when we came to the water-courses, we had but little difficulty. There are three little rivers and several creeks that crossed our path. We were forced to dig down the banks of these streams before crossing them.

In the afternoon of the twelfth day we landed on the banks of the Tombecbee river, three miles by land above where Columbus Miss., now stands. I was delighted with the appearance of the low bluff and the canebrake that came to a point where the river turned abruptly from the bluff a few steps above where we struck it. Here I made my camp. Father went four hundred yards lower down and pitched his tent. Three or four feet above low water mark, a flat rock that underlay the bluff projected six or eight feet into the river. Here a large sycamore tree had its roots fastened into the bluff immediately on top of the rock and from beneath these roots gushed a very bold spring of pure clear water. It flowed over the rock, falling into the river from its outer edge with a splashing sound that could be distinctly heard at the camp, which was not more than forty feet away. Everything about the place was beautiful and very convenient.

About sundown the day we arrived we heard a great number of turkeys flying up to roost not more than 100 yards from the



camp. At daybreak next morning I crept out and shot one that weighed twenty-nine pounds. My wife couldn't handle it.

I on that day explored the river a few hundred yards above my camp, killed a wild goose and saw the beginning of a glorious canebrake, and plenty of bear and deer signs, and the banks of the river were strewn with holes that had been cut and barked by beavers. When I got back to the camp I told my wife what I had discovered. She was a very beautiful young woman then, and she put on one of her sweetest and most satisfied looking smiles and said, "You have found the right place for us to stop at."

I replied, "I am truly glad that you are pleased with the situation, it will be so encouraging to me in my effort to procure sustenance."

"Who," said she, "could look at this fat game, so easily obtained, this beautiful river with its handsome dry bluff, and gushing spring water and be otherwise? And that's not all that pleases me. While you were gone up the river, an hour ago, five very large deer passed lazily along in 30 yards of where Polly and I were standing, and they stared at us with their great black eyes as they passed and held their great chair frame looking horns so high that we were both frightened and didn't know whether to stand our ground or run to the camp. I have also been down to the spring and have examined that beautiful flat rock. It runs along under the bluff 30 or 40 yards above the spring, and in one place it is 20 feet wide. Oh! It is so pretty and I think there are plenty of fish. I have saved the turkey's liver for bait. Suppose you try for some after dinner."

I set out three or four hooks before dinner, and after eating dinner, went out into the upland hunting. I saw a great deal of deer sign, and several deer, but did not get a shot. When I got back in sight of camp my wife saw me, and, in the highest degree of delight, called to me to look what a fine fish she had caught. She had a blue cat weighing  $25\frac{1}{2}$  pounds.

Suffice it to say, we were all greatly pleased, and supplied our table with a superabundance of fish, fowl and venison, and occasionally a glorious fleece of bear meat. The quantity of game that was found in that dark forest and the canebrakes was a subject of wonder to everybody. My brother Garland and I, after working all day, clearing up ground to plant corn, would go out

nights on horseback, taking a big bag of nicely cut, rich pine and a frying pan tied on a stick, to burn the pine in. This pan full of pine, set on fire and carried on the shoulder, produced sufficient light to enable us to see the eyes of a deer 80 to 100 yards away. And with a big old shotgun that we had, we killed plenty of meat for all three of the families.

Three days after we came there I began to prepare for building me a house. I got the clapboards in one day, cut the logs in a day, hauled them together in a day; and the next day, by the aid of my brothers and Jo. Bryan, raised and covered it. The next day I floored it with linwood puncheons, and the day after I made a wooden chimney to it, and we left our camp and moved into it. The weather was getting cool, and with a rousing log fire fed with plenty of rich pine knots, the light was as bright as day, making the whole house which was lined with newly split board fairly glitter again. Having no bedstead yet, my wife made the bed on the floor. I never shall forget the encouraging remark she made when we lay down. After gazing for a moment on the shining walls of the little cabin she said, "This is fine, and it inspires me with confidence that we are capable of making our way and successfully meeting the exigencies of existence here. The quantity of venison, fish and fowl that we have on hand already, and the facility with which it is procured quiets all fears of scarcity of provisions."

Having no good place to keep our provisions, I then built a little smokehouse. My wife said, while she was placing the provisions in it, "This is very convenient." And then she remarked, "Notwithstanding the fact that we are surrounded with this wild impenetrable forest, we have nothing to fear." "No, dat we ha'n't," said Aunt Polly, who was young too then.

These little incidents tell the situation we occupied, and how little dread we entertained. We felt ourselves fully competent for the emergency.

Soon all the families had houses, and all hands went to work, cutting down and clearing the maiden forest to make fields to plant corn in. I cut down six acres of the canebrake that jammed itself almost down to the place where I built my house. I burnt off the cane on the 5th of May, and planted it with a sharp stick on the 6th. Twice while it was growing I cut and beat

down the young cane that sprouted up from the old cane stumps. That was all the work the crop got. The bear and raccoons ate and destroyed a good deal of it, and yet I gathered 150 bushels of good corn.

As soon as I got my house done, I went over the river to see the Choctaws. They were not exceeding two miles distant. I also found there a white man by the name of John Pitchlynn. He had a large family of half breed children; was very wealthy; sixty-two years of age; possessed a high order of intelligence and was from every point of view, a clever gentleman. He was very glad to hear that we were settling so near to him, and he also said he must visit the place we had selected to see if we were building above the high water mark.

He asked my name, and when I told him, he enquired for the name of my father. I replied, "It is Hezekiah Lincecum." "Don't they call him Ky?" said he. "His familiar friends do," I replied. "I am a second cousin to your mother," said he. "I will go right over and see them this day." He was in a perfect ecstasy. He ordered his horse, and then turning to me said, "You were not born when I saw your father and mother last. I was on my return from Washington city. I had previously heard from my father, that I had relatives in Georgia; and turning my course down through that State, I was lucky enough to find them. I sojourned with them a month, and I look upon that time even now, as the most pleasant period of my life."

He went immediately over. I introduced him to my father and mother, and they were all overjoyed at meeting again. Twenty-five years had passed and they were all still healthy looking, and exceedingly rejoiced. Pitchlynn was a kind hearted man, and seemed willing to aid us every way that he could in making our new homes. We lived neighbors to him from 1818 to 1835; and he continued the same kind hearted gentleman all the time.

In 1819, the government marked or surveyed a road from Nashville, Tenn., to Natchez, Miss. It crossed the Tombecbee river where Columbus, Miss., now stands; ten miles by water, and three by land below where I had settled. I went down there to see what kind of a place it was. I found it a beautifully elevated situation, being about the head of navigation. I thought it was an eligible town site, and that it would be a town as soon as



the country should settle up. I was so fully impressed with the belief that a big town would some day loom up on that beautiful bluff that I went home, sawed a thousand boards; put them on a raft and floated them down the river with the intention of building a snug little house on a nice place I had selected, hoping to be able to realize a profit from it, as soon as people should move into the country.

I was not the only person that had noticed the eligibility of that locality. When I got down to the place where I intended to land, a man by the name of Caldwell was about landing a keel boat at the same place. He was from Tuscaloosa, and he had a cargo of Indian goods which he intended to open on that bluff as soon as he could build a house to put them in.

I was acquainted with him while I resided in Tuscaloosa and was glad to see him, and thought I would sell my boards to him. *Friendship without interest.*

In the course of our conversation he enquired of me, if, while residing in Tuscaloosa, I had made the acquaintance of one Cornelius Schnider? "I knew him very well," said I. "And what kind of a man did you consider him?" I replied readily, that I did not think him a reliable man. "That is my opinion now," said Caldwell, "though I used to think him an honest man, but during the trip here, I have had reasons to change my good opinion of him."

I remarked to him, that had I been apprised of the fact that he had Schnider with him, I should not have been so careless in expressing my sentiments about him.

"My dear friend," said Caldwell, "I am truly obliged to you. I brought him with me to sell these goods for me, and now I don't know what in the world I shall do. He will ruin me if I leave him with them."

I replied, "I have a good notion to relieve you by buying out the entire stock, boat and all."

"I wish to the Lord you would," said he.

"But this raft of 1,000 clap-boards upon which I am standing, except my wagon and horses, is all the available means I possess. It is useless for me to talk about purchasing your goods; but you can give me \$10 for these good boards to cover a house to put your goods in, and I'll go home."

"But," replied Caldwell, "I can make you able. I will expose my invoices to you. Let you have them at 10 per cent under cost and give you three, six and twelve months to pay it in; and you can cover your house with the boards you have."

I took the goods; hired his boat hands; went to work with them myself; and in three days had knocked up a pretty good shanty. We soon got the goods into it, and commenced opening boxes and taking account of the stock. But the Indians had heard of the arrival of the great supply of nice new goods and plenty of liquors, and they flocked in by hundreds. I began selling to them whiskey and such goods as we had marked; and this prevented us from work in the daytime. Having only night time to work on invoices, it took us ten days to get through with them. But I had by that time sold enough to pay the first installment, which I did, and Caldwell went home highly pleased.

I sent my boat immediately to Mobile for a cargo of sugar, coffee and whiskey. These were considered staple articles in the Indian trade. In due time the boat returned, and the business continued good. I paid the last installment at nine months.

The State line had not been run, and we were supposed to be in Alabama. It was not long until the line dividing the States of Alabama and Mississippi was laid off, and we found ourselves fifteen miles from the line on the Mississippi side; in a strip of country 80 miles long and averaging 20 miles in width, east of the Choctaw and Chickasaw Nations. The Tombecbee river was the line between us and the Indians; 200 miles from the other portion of the State. And thus cut off from the law, we were there 18 months before we saw an officer of any kind. At length, the Legislature recognized us as a portion of the State, and named that long strip of land Monroe county. They also appointed me chief justice, with authority to appoint all the officers necessary to organize the county. The land having been previously surveyed, it was found that Columbus was on a 16th section—school land.

The Legislature also appointed me chairman of the school commissioners, with power to appoint four associates; also to lay off the town and lease the lots for the term of 99 years, renewable forever.

I first appointed four other county justices and a county clerk, called a meeting, organized a county court and proceeded to

appoint and commission the rest of the county officers. Everybody wanted office; and I found it a very difficult duty to get through with. I finally succeeded; and then turned my attention to surveying the town, and regulating all the school lands in the county. I had also to superintend the erection of two—male and female—academies.

On the first of August, I had all ready and in conformity to my advertisements, which had been published sixty days, a very large collection of people came to the leasing of the town lots. I leased in the two days I continued it, not more than half the lots that had been surveyed; but they brought in enough—\$4,500—to commence building the academies.

Holding the courts, appointing the officers, surveying the town lots, appointing and regulating school commissioners at town, and all the other school sections in the county, procuring teachers, engaging workmen for the academies and opening the mail six times a week, consumed so much of my time, that my own business was badly neglected. The result of my firm, impartial action in appointing county officers had pleased the people so much that they began to talk of sending me to the Legislature.

To avoid such a dilemma, I immediately went over the river and entered into partnership with John Pitchlynn, Junior, a half-breed Chocktaw. He was a highly educated man and a very clever fellow; but a most incorrigible drunkard. That, however, made no difference; as according to our contract and the intercourse regulations, which forbade any white man with a white family from dwelling within the nation, he, Pitchlynn, was to have nothing in the management of the business. In the knowledge of all outsiders, I occupied the position of a superintending clerk. Pitchlynn had a pretty good storehouse at the ferry landing opposite Columbus, and four or five thousand dollars' worth of goods. I had about the same amount. We put them together. I moved my family into a room that was boarded in, of a large two story building he had commenced, and took possession of the goods and storehouse and ferry.

Pitchlynn's residence was two miles from the store,—a circumstance favorable to our business; for he was, when drunk, so abusive, and so often drunk, that he was not popular with the Indians.



I was known to almost every Indian in the Nation. My Indian name was, "Shappo Tohoba,"—"White hat." The first time they saw me, I had on a white hat. But my most popular name was, "Anumpatashula ebisya,"—"Interpreter's nephew." Sometimes, they called me "Hopigeh cheto"—"Big leader" because I took the lead and conducted a party of 100 of them out of a condition of starvation on our return from a failure in attempting to get some scalps from a large camp of Ooassashes, west of the Mississippi. All these and the fair, plain manner in which I traded with them, caused them to have full confidence in me, and they crowded my Pitchlynn establishment every day with their produce.

I bartered with them for every kind of produce, consisting of cowhides, deer skins, all kinds of fur, skins, buck horns, cow horns, peas, beans, peanuts, pecans, shellbarks, hickory nuts, honey, beeswax, blowguns and blowgun arrows, bacon and venison hams and big gobblers. I made it a rule to purchase, at some price, everything they brought to the store.

Every article I have named brought cash at 100 per cent on the cost. I dealt with a house—Willcox & Dallas, Philadelphia; and they were glad to get my Indian produce, for which they paid me well. I remember them as clever gentlemen.

I made frequent trips to Mobile. There I laid in my groceries, sugar, coffee, whiskey, etc., but all my dry goods came from the house of Dallas & Willcox.

It was a fine place for business; and I should in a short time have accumulated sufficient wealth to satisfy me, if we could have been healthy there. But one or more of the family was sick all the time. My wife and I both came very near dying of fever two or three times. The children were sick, so were our servants. Our domestic affairs were all the time in bad condition. We resided there four years.

The first year after I came there I finished the house Pitchlynn had commenced. And, on the 8th of January, 1822, gave a subscription ball,—\$5 a head for men—which, from the novelty of a ball in the Choctaw Nation, was attended by a large number of finely dressed people. The ball money paid for the house.

There I lay and fretted at the hard fortune. All the doctors—they were all my friends—came often to see me and to note the

progress of the case. Their opinions and prescriptions were as varied as their faces. Some were of the opinion that it was enlargement of one of the oracles; others, that the symptoms indicated anurism of the arch of the aorta; others, that it was enlargement of the heart itself. One thought that it was a softening of the substance of the heart. So one and another of them, first and last, suggested treatment for all the heart complaints known to the faculty. Bleeding was the remedy most universally believed in by them. And I also had more faith in it, so I bled myself every day. In 20 days I had taken 22½ pounds of blood; and hoping to salivate myself had taken 10gr. doses of calomel daily and rubbed on myself 1½ pounds of strong blue ointment. It did not salivate me; but the depletion by the lancet and mercury had laid me pretty low.

The doctors all continued their visits and advice. It was an interesting case they said, and they wanted to watch it through all its changes and variations. Nothing they prescribed seemed to act on my side of the question. I lay on the floor, and became weaker and weaker, worse and worse, for the term of three years.

At this period my wife began to grumble at the doctors. She declared that they were doing me no good—indeed, she said, they were killing me, and besides, they and their horses were eating us up. She said I ought to try to get rid of them some way.

“Well, how am I to get rid of them?” I calmly asked.

“Run away from them. Go to Columbus and see Dr. Hann. Let him class your complaint,” she replied.

I told her to fix me up and go part of the way with me, and I would go.

We set out the next day, and I reached Columbus in three days of painful travel. My wife returned on the third morning. I had but ten miles more to travel, and my brother Garland accompanied me that distance.

I called on Dr. Hann, and after he had made a careful examination of my case, he asked me what all those doctors said about my complaint. I told him that no two of them, when alone with me expressed the same opinion in reference to the nature of my complaint.

He then inquired what I thought of it myself.

I replied that I was certain that it came from excessive over-heat; that from the heavy palpitation and floundering sensation at the time I was overheated, I thought it quite probable that some of the blood vessels about the heart, or the heart itself, had been considerably strained, if not somewhat distended, which strain or distention had caused the irregular pulsation and pain I experienced at the time, and which I felt more or less even then. "Some of the painful symptoms I experience now, may be attributed to its sympathy with the stomach, which has been greatly injured by the excessive use of mercury and cathartics. And now," said I, "you have heard the various opinions of the other physicians, with my opinion, and you have carefully examined the indications yourself; and as yet have expressed no opinion. Let me hear what you think of it."

"Well," said he, "I think that you know more about the case than any one else can know. Here is the key of my shop, in which you will find a choice selection of fresh medicines. Go there and help yourself to such of them as you may think your case requires, and welcome. I may at any time council with you and suggest remedies, but do you follow the dictates of your own impressions in the case, for they are better than any other."

Great as was this location for making money, we were so unhealthy that we were forced to leave it.

Pitchlynn, without my knowledge, had gone up to Cotton Gin Port, rented a house, and ordering his goods, on the reputation of our Choctaw establishment, had set up a \$5,000 stock of goods, and engaged a drunken fellow by the name of Morrison to superintend the selling of them to the Chickasaw people, who dwelt opposite to that place, and who handled \$35,000 annually—annuity paid them by the Government of the United States.

Pitchlynn spent most of his time at that place where he could drink free of my interference. It, however, suited the drunken Morrison and they had a grand time of it.

After a little while, Pitchlynn came and told me, that Morrison had made way with the greater part of the Cotton Gin goods, and that he wanted me to go up there, take possession and save what I could of them. At first thought, I was determined not to go. But on reflection, I knew that the whole amount of the loss in that establishment would fall on mine; and as I intended to



abandon the place I then occupied, I finally consented. Pitchlynn was greatly pleased and promised me that he would not drink anything at that place as long as we continued in partnership.

Our partnership was to last until 1845. He kept his word, though he did not often visit the place.

I found about \$2,000 worth of badly abused remnants and an equal amount of unavailable accounts. It was entirely an Indian business and many of the names were so badly spelled that I could not make out who they were. I did the best I could with it. Many of the Chickasaws who dealt with me at the Choctaw store came to Cotton Gin, expressing joy at my having come so near to them.

I rented some houses at Cotton Gin for my family to dwell in. The houses were good and comfortable enough, but the family continued unhealthy. I soon discovered that it would not do to try to keep them there. So I went out into the hill country and selected a quarter section of public land,—there was very little land owned in the vicinity of Cotton Gin in 1825—entered it, built some houses on it, and moved my family upon it as soon as possible. Here among the clean, uncropped grass, in high dry open woods, timbered with oak, hickory, chestnut and tall pines, with a gushing spring of pure, good, cool water, the children soon recovered their health.

This was altogether a lovely situation. We resided there eight years. And—Oh! while I write, the crowding reminiscences that cluster around memory's aged *dome*, good and bad, swell this old heart with oppressive emotions, which forbid further description of the lovely place.

I continued my store in Cotton Gin, but not so successfully, two years longer when, in a bear hunt in the canebrake, I overheated myself, and came very near bursting some of the blood vessels about the heart. I should certainly have died there in the cane had I not come to the river, into which I instantly leaped. And there, for many minutes, I could barely get my breath. It seemed to me that there was not air enough in the world to supply my heated lungs with a single inspiration. After awhile I had cooled down, but my heart was all out of fix. It was floundering and wallowing like an expiring animal.

It was with the greatest difficulty that I dragged myself out

of the river. By the assistance of one of my hunting companions, who chanced to come that way and find me, I made shift to hold up till I reached home and then three years passed before I was able to go out.

I accepted the kind offer of my good friend, Dr. Hann, and boarded at a hotel near his shop. I remained at Columbus five months. I had improved somewhat, and I returned home; but was not able to do any kind of business. My means were all exhausted, and my family was suffering for want of proper substance. I had twenty thousand dollars due me, by perhaps, five hundred different men. But it had been three years and a half since these accounts had been made. They were nearly all on solvent men. I sent a boy around to try to get some money from them. He returned without a dollar. I then made a contract with a magistrate, for experiment, to sue some of them, and if he made no collections, he was to charge no costs. So I selected forty of the best of the accounts and sued on them. Processes were issued, and the day of trial came. The law of limitation in the State is or was two years, and these forty men, that I had selected for the best in the country, pled the limitation act, to a man.

This experiment proved to me that I needn't try any more of them. I let that twenty thousand dollars—the labor of seven years of the prime of my life—go for naught.

Many of these people were my near neighbors, and knew how poor and destitute my condition was. I did not possess the means to procure even sugar to put in my sassafras tea, and they knew it. They acted towards me as if I had done something to offend them. They quit coming to see me. I needed everything, and I thought if I had a piece of venison it would strengthen me. So I made shift to creep out to a water hole in the woods, a mile and a half from home, where I lay and watched till night, and, feeling too feeble to try to walk home, I remained and slept some at the root of a big red oak. Morning came, and I felt better and stronger than I had felt since I was diseased. I concluded that I felt so well, I would watch the water hole another day; and in the calm uninterrupted stillness of the forest—it was on the Indian side of the line—try to study out the cause of my improvement. I had eaten nothing since breakfast the day

before; and my mind had begun to lay my sluggish condition, and the tardy progress of my recovery to too much, or improper food. While I was sagely investigating this proposition, I discovered in the distance and coming towards the waterhole, a very large deer. From the appearance of his horns, he was a very old one. Instantly I was all anxiety and vigilance. But when he came nearer, I could see that he limped pretty badly and that he was very poor. I did not shoot him, but suffered him to come to the water unmolested. I supposed that in his crippled condition, he had done without water as long as he could, and that he would drink heartily. But I was mistaken. He sipped of it very lightly. I wondered at that; and my wonder was increased, when he ate but two or three of the green brier leaves, which is the natural food of the deer and which grew abundantly on the bank of the water hole. I knew he must be hungry and thirsty and yet he partook very sparingly of both food and water. He hobbled away on three legs to a little copse of brushwood, where he had concealed himself and lay down, to ruminate the scant amount of brier leaves he had taken.

Whether this poor wounded stag knew what he was so abstemious for or not was a thing I was not able to ascertain. But it excited in my mind a new train of thought; and before I left my hiding place, I supposed I had penetrated the secret of the old buck's abstemious conduct, and had formed a resolution to feed equally light and sparingly.

So I set out for home and, notwithstanding the fact that I had taken no food during the past thirty hours, I made the trip with much more ease than when I went out. I reached home about dinner time, and found them greatly alarmed at my unaccountable absence and several of the neighbors, whom my wife had called in, were already out in search of me.

I fired off my gun twice in quick succession, and told my wife that I was hungry. She replied, "Dinner is ready, come in and eat." I said, "No, I have had instructions on a new method of dieting, and I intend to commence it this day." She enquired what it was to consist of. In reply, I told her it was to consist of one corn meal waffle and a cup of sassafras tea, with a heaping teaspoonful of sugar, three times a day. She was very much op-



posed to the new dietetic rule, declaring that it would thin my blood and starve me to death.

She prepared the waffle and tea, and I made my dinner on it. I then slept till nearly night; for I was greatly fatigued, and the gnats had prevented me from sleeping quietly the night before. Supper time came, and with it came the corn waffle and sassafras tea. I arose the ensuing morning in a rage of hunger, but feeling stronger and much improved, I had the waffle and tea for breakfast, and immediately took my gun and set out for the water hole again, leaving instructions not to alarm the neighbors again, if I should fail to return at night.

I was more successful this time. I found a bee tree, and killed a very good doe. I could not get the honey nor carry the venison home. I had made shift to dress the deer, and to hang the quarters on the bushes around. Night had by this time set in, and I was extremely hungry. I kindled a fire, and was roasting the deer's milt, when I heard some person whoop, I answered and soon Lycurgus and a young man who was living with us rode up to my camp. I told them before I left home where I intended to hunt, and they knew the place. But I would not go with them until my deer's milt was done. It got done presently; and, although I had neither bread nor salt to eat with it, I thought then and it seems so yet, that it was the most palatable piece of meat I had ever tasted. I was afraid to eat the whole milt; and I wrapped what I had left in some brier leaves and took it home with me. On the ensuing morning I was still improving, and I took my waffle and tea, but none of the venison.

I continued to go about in the woods alone, for two or three months. To be alone suited me best. I could uninterruptedly think over and weigh and measure the forlorn poverty stricken condition that had possession of me. To think of some shift for the support of my family of nine small children, that was feasible, was what my mind was working at.

I had, during my whole life, done all my reading in medical works, and knew all that had been published on that subject; and, had felt seriously inclined to set up shop and try to make a living in that way. But I had no medicine nor the means to procure it. I continued to poke about in the woods. I found bee trees and killed as many deer as were needed to supply our table. It was

on the Chickasaw side of the line where I hunted, a wild, swampy country, on the Bull mountain fork of the Tombecbee river—and it was full of deer, bear and turkeys.

It often happened, when I had wandered too far that I did not return home, but selecting a dry place by the side of a log, or at the root of some large tree, slept there. If I had a deer I would cut it up and hang the good pieces on the bushes, and let the wolves fight for the rest of it. In that wilderness country the wolves were very numerous. I have many times heard them fighting over the fragments of my venison, snapping their teeth, howling and making so much noise that I could not sleep well. I could sometimes creep near enough to their frantic revels to get a shot at them, and in that way silenced several of them.

Some people said I was going deranged. Others that I was badly *hypoed*. They were all indebted to me and would not pay me, and as they were ashamed to come about me, I was not much pestered by them.

I, at length, matured a plan that I thought would make money, if I could succeed in getting it into action. The project was to raise a company of ball players in the Choctaw Nation, travel with them and exhibit them in their ball plays and war dances. The Choctaw chiefs had recently sold their country and the common people were very much dissatisfied. I thought it was a good time to raise a company of ball players; and to find out all about it I wrote to my good friend John Pitchlynn, Sr., desiring him to feel of the Choctaws on the subject, and to communicate to me the result of his effort.

In the mean time, the neighbors solicited me to take a school. Fearing that my Indian project might prove a failure, I agreed to take a school for them; and they immediately went to work, building a house for the purpose. They had made up the number of pupils I had required and I was to open school the ensuing Monday.

On the previous Saturday I received a letter from my friend Pitchlynn, that Fulahooma, the bearer of the letter, had made up a company of forty choice ball players, that would assemble at the Oaksbush spring the ensuing Monday, 28 November, 1829, and that he, Fulahooma, had visited me to carry me down to the place where the intended meeting was to be held.

It was forty miles distant. I was anxious that no failure should take place, and, having nothing to arrange, I was on the road in an hour. As we journeyed Fulahooma told me that the Choctaws were mad with their chiefs, that in their present discontented state he found them all willing to go with me. He said the difficulty would be in getting rid of the surplus.

We were on the ground in due time; and by 12 o'clock there were upwards of four hundred ball players assembled. We built up the council fire and held a big talk. They were all familiarly acquainted with me; and they told me that their head men had sold their homes and made them very poor; that they were willing to travel with me any length of time, just for their victuals and clothes. They thought that four hundred was not too many, and begged me to let them all go. Poor fellows, I didn't know what to do, or how to escape from the dilemma so as not to give offence.

They were all hungry and I got my friend Pitchlynn to have three large beeves driven to the place and slaughtered for them to eat. I next proposed a draft. I would take every tenth man. Fulahooma had privately engaged forty brag players and had given me their names. These names were put into a hat, a little boy called up, and instructed how to draw. Then Pitchlynn explained to them that the draft would take only every tenth man, and, to make it fair, the little boy had been selected to draw out the names. There were 365 blank tickets put in the hat. The drawing commenced and perhaps twenty blanks came first. Then came one with a name, which I wrote down. Then came forty-three blanks, then a name, which I wrote down. The Indians could not see into the deception, but, calling it a lottery, directed by the Great Spirit, thought it was the fairest thing in the world. They were all satisfied with the result, and went to cooking and eating the fat beef I had procured for them.

By light the next morning I set my face towards the east and, passing through Columbus, Miss., went up the military road.

Well, I traveled and exhibited those Indians eight months, but made only money enough to feed and clothe the company decently. I started without money, and was so weak and feeble that the Indians would lift me and set me on my pony every morning. I camped out all the time, and though it was a very severe win-



ter, my health and strength improved every day. I could scarcely walk when I started, and one of the Indians having crippled himself, I left him ride my horse on our return and I walked 500 miles. I made no money to carry home by the experiment, but the improvement in my health and activity was ample remuneration for the hardships I underwent and the eight months' absence from home.

I took all the Indians back to their own country, got them five pounds of bacon each and discharged them, well satisfied with me and our long journey. They dubbed me "Hopigeh cheto"—"Big leader"—and we separated forever.

During our travels through the States, they often said that if I was to die, they would not be able to find the way home through all the fields and fences; and they watch and treated me with great care and tenderness. That *I* got them back was to them a wonder.

I returned, after eight months' absence, to my home greatly improved in health; but as poor as ever. I found my wife working and scuffling and fighting poverty as well as she could. She had been spinning and weaving and had the children well clothed, and they had not consumed the corn and hogs I had provided for them before I went off with the Indians.

I was strong enough to work some, but the time for planting a crop had passed, and I could think of nothing to do that would pay. In fact, the long eight months worrying with those drunken Indians had to a degree blunted my energies, and I felt no inclination to work. Indeed I felt more like I needed quiet rest. Accordingly I took my rifle and retired to the canebrake and the dark, lonely forests.

I would go out by light, or even earlier of a morning, and generally get in by dark, with as much meat of some kind as I could pack. If I got more than I could carry home on my back, I would hang it up, and next morning make Lycurgus go out with the pony and bring it home. I killed more meat and found more honey than the family could consume. And, in that solitary manner I spent my days; and, as cheerful as I could, I spent the nights at home with my family. But my spirit was not easy. It wanted a wide field for action, and during all the lonely days spent in these dark woods, my mind was carrying on a

sharp investigation, discussing all possible subjects for a livelihood. I thought of many things to do, but none suited.

I was not now, as at Tuscaloosa, able to take hold of the whip-saw or any other heavy work. There were but few things that my strength would allow me to undertake. Some people suggested that peddling in drygoods would suit my condition best. But I did not possess the means to make the outfit, much less pay for a stock of goods to start with.

I continued to hunt and spent my time in the woods, until about the first of August, 1830, when my nearest neighbor, William Wall, an elderly gentleman, who indulged considerably in the use of ardent spirits sent for me to tell him what to do. He was very sick, and also considerably alarmed.

He had some remnants of medicine in his old medicine chest. I hunted amongst them and, finding some that suited his case, relieved him. He was very highly pleased; for he thought his time had come. He begged me to remain all night with him for fear of another attack.

In the course of the night he remarked to me, "You know more about this disease and its antidotes than any of the doctors in this country, and I am surprised that you don't get you some medicine and set up shop. You are needy enough, and you are capable and would soon get a good practice."

I told him I had been thinking of that, but it required money to set up shop as he called it, and that was an article I did not possess.

"Well," said he, "you are too modest. I have been waiting for you to ask me to lend you some."

My reply was, "I can't do that. To borrow money to prepare for the practice of medicine in a community where nearly all the people are indebted to me, and because I didn't sue and collect it of them before the law of limitation had expired, they refused to pay; and furthermore, in a country already overstocked with poor doctors, seems to me to be too precarious a prospect, too many chances against the probability for me ever to be able to pay it back."

"I'll risk that," said he. "So here is \$100 to begin with. Take my horse to-morrow or next day; go up to Tuscumbia and get you some medicine and go to work with it."

Robert Gordon, a Scotchman, merchant in Cotton Gin, a man I had privately relieved several times from a pretty bad condition, heard what Captain Wall was urging me to do, and he, being acquainted with the druggist at Tuscumbia, wrote a letter of introduction in which he stated to the druggist that if I needed more medicine than what money I had would pay for, to put it up for me and charge the same to him. Several other people encouraged me by assuring me that I should have their practice.

Under these circumstances, which I looked upon as favorable indications, I concluded to try it, and, taking my friend Wall's fine horse and his money, set out on the 10th of August. I laid in \$80 worth of drugs and furniture; and it looked like a poor chance to make support for my family on. But when I had set up, I was surprised at its being so much more than any doctor's shop anywhere around. It showed me that they were poorer and were doing business on a smaller scale than I had ever supposed it possible. The neighbors all flocked in to see the grand drug store, as they styled it, and they looked upon it as a perfect wonder. They said it was no stingy affair and promised safety and that they should feel easier hereafter when the sickly season came.

I soon had calls. But the only horse I owned was a small black Indian pony, worth \$15. He was an excellent hunting horse, for he would track a deer equal to the best trained dog. Besides he was a very rapid pacer. Still he was a poor thing to practice on. My wife went on a visit, on a borrowed horse to Columbus. Lycurgus rode the pony. At that time races were going on at Columbus and one of the racers, having lost a heavy sum on one of his horses, was offended with him, and, seeing Lycurgus pacing around on the pony, took a liking to him and offered the delinquent race horse for him. Lycurgus informed Mrs. Lincecum of the proposition. She sent for the man and made the swap. His was a fine horse. I kept him seven years, and rode him until my legs had grown to fit his back. His name was "Ned." Every body finally knew "Old Ned." He was ten years old when I got him, and in his seventeenth year I rode him to Texas, and explored the country west of the Brazos six months. He carried me safely back home and, feeling that he had done enough for



me, I set him free. He had helped me to make many thousands of dollars.

With my new, good horse, Ned, I attended cases almost every day, and when Christmas came I had a pretty good crib of corn, plenty of pork in my smokehouse, had paid my friend the \$100 he had loaned me to start with, and had upwards of \$300 of good accounts on my books.

I went round telling the people that for me to have power to serve them scientifically I must have more medicine. They were all highly pleased, and paid me every cent they owed me. Some of them offered to lend me money, if I had not enough. My wife, when I got home with the money I had collected, put on her prettiest, blandest smile, and declared that we were no longer inhabitants of the dreary vale of poverty, that we were still young, and should ere long enjoy again the comforts we had been so long and so unjustly deprived of.

"But what shall we do about the \$5,000 debt that is hanging over us?" I asked.

"Why pay it the first thing you do," said she.

"You are my own dear wife," said I, "and as fast as I get money into my hands, I intend to pay it over to my creditors until I am a free man again." The men to whom I was indebted all resided in Mobile. I took what money I had and went down to see them. There were three of them. I got them all together and made a clear, correct statement of the cause of my delinquency, told them that I had started to work again, what it was I had done, and shewed the money that I had made and proposed to divide amongst them. I also proposed to renew my notes, which had already run out of date, for the balance due. They all looked at me for a moment, and then arose from their seats and passed into another room, saying as they retired, they would be back directly.

They remained away a half hour perhaps, and as they were entering the room where I was sitting again, one of them enquired, "How many children have you, Lincecum?" I replied, "Nine, all small." "Have they got on hand plenty to eat and wear," he asked. "I have," said I, "provided corn and pork enough to do them five or six months. We have a few cows to give us milk,

and their mother, with her wheel and loom has succeeded in clothing them during my period of affliction."

"We have had your case under consultation, and for reasons which we shall not divulge to you, we have arrived at the following conclusions:

"First, to make all safe, we propose that you renew your notes."

"Write them out," said I, "I would pay them if I could."

They drew out the old notes and one of them began to cast up the interest, but the other two rebuked him and said, "Let the new notes call for no more than the original amount." And in that way they were drawn, and I signed them immediately thanking them at the same time for their leniency.

"Now," said they, "we propose introducing you to our favorite druggist. Order him to put a bill of such articles as your business requires, vouch for the payment and let you take your little scrap of cash back with you to supply your family with such articles of food and raiment as they were formerly accustomed to, and if you need any goods for family use, one or another of us can supply you on as good terms as anybody else; and we can wait till it suits your convenience to pay for them.

The allopathic system needs no great amount of medicines. I got \$100 worth of the crude concentrated poisons, \$150 worth of nice furniture for a practice shop; 3 dozen gallon bottles and all the smaller vessels in proportionate quantities down to pints. With an equal number of glass jars of the same sizes and sufficient instruments for a country practice. I showed the bill to my three friends. They observed, "You are quite cautious, Sir."

I got it all home safely and worked diligently every day until I got them all labeled, filled with superior preparations and set up.

My customers came to see the wonder, and said that it looked like I should be able to encounter disease in any and all its forms. I could discover from their remarks that I had pursued the proper course, that the money I had expended would soon come back to me.

It was soon widespread that I had more medicine than all the doctors in the county, and that the man who understood the profession well enough to apply all the remedies in that shop was no ordinary doctor.

In accordance with their exalted opinions of my preparations for their necessities they came for me, and it was but a short time till I was riding day and night and my circle widening till I went often forty and fifty miles. Many cases of chronic disease came to stay with me. For want of house room I could take only one or two at a time.

A year had passed since I left Mobile. I had made and collected over \$2,000. I went to Mobile again, paid my friends \$1,000; also my medicine debt, and cashed a considerable bill for such drugs as I needed for another season. I also bought dry goods for family use.

In that sparsely settled hill country there were no schools; and my children, six of them, were getting to be the proper age for the seminary. As there was no chance where I resided to send them to school, I conceived the idea of taking them and their mother down to Columbus and getting them into a house, where she could board them, while I would remain with my shop and supply them with provisions.

In accordance with this plan, I went to Columbus, bought a lot; a sufficient amount of lumber to build a good single story house with a parlor and two rooms, all amply large for the family.

I then carried them down and entered six of them at school the first day. My success in this enterprise had made me quite happy. Every body in Columbus assured me that the male and female seminaries were conducted in the very best style. I returned to my shop with a redoubled resolution to exert all my resources to supply in full quantities everything for their support.

When I got back, my friend Capt. Wall, had built a house near his gate, in his yard, and invited me to put my medicine in it, and to come and live with him during the absence of my family.

I very cheerfully accepted his kind offer, and he gave me a room in his dwelling which I was to call my home.

This being situated on the great thoroughfare from Tusculumbia to Cotton Gin Port, was a much more convenient and easy place for my patrons to find than the one I had left.

My practice increased daily. I would tell the people to pay a little flour or a little corn, and when the time came I would take three or four thousand pounds of pork, and that, if in this



way I should be able to keep my family supplied at Columbus, I would remain with them till the children were educated. They assured me that they would keep their supplies up; that one or another of them went down almost once a week and it would be no trouble to carry down supplies of flour, corn meal, bacon, etc., get my wife's receipt for the amount and when they returned hand over such receipt to be placed to their credit.

By these means I was able to keep my family well supplied constantly. It was an unusually sickly season, and almost every body became indebted to me. As their ill health had retarded the progress of the cotton crops, it obliged them for me to take a portion of their produce.

After the family had gone down to Columbus I sold my home place for \$200 and remitted the same to my Mobile masters.

In November I concluded to go down and see how much the children had improved at the highly lauded seminary. I was so rejoiced at the success I had met with in my little plan for providing the means for educating my offsprings that I rode down in a perfect glee of delight. I pictured to myself the pleasure I should experience on hearing their polished answers to the questions I should put to them that night. I grew more and more anxious as I neared the place to see and hear their manifestations of progress. I knew they were all sprightly minded children and I knew at such a grand institution they would be greatly improved.

At length I reached the house they resided in. They were all glad and so was I, and they were so full of narrative, telling of what they had seen there, the shows, races, fights, shooting encounters, etc., etc., that I concluded not to interrupt their historical accounts by an examination that night.

Being anxious to ascertain how much they had learned, I did not wait long the next day before I began to interrogate them. I began by asking what they were studying. They answered, "Geography and history."

"What kind of history?" I enquired.

"Well, it's just history," they said.

"History of what?" I asked.

"It's just history," was the reply.

"You say you are studying geography. Name the principal rivers in this State."

"Oh, we don't study that. We study geography."

"Well, then, tell me the names of the largest river in the United States, and tell me also where the United States is located."

"We don't study that. We just study geography and history."

I had strained every financial nerve I possessed in getting up a good house at Columbus for them to live in, and had exerted myself almost to the utmost to furnish provisions, clothing, etc., to keep them comfortable. And from the oft repeated high reputation given the teachers in the newspapers, I had hoped much that I should experience the gratification of seeing some of the signs of it manifested in the progress of my children. But from their utter ignorance of the questions I put to them I began to fear that all my hopes would end in disappointment. As I could find nothing out from them by my questions, I directed them to question each other as they did in school.

At this proposition they brightened up, and said they would show me now that they had learned something and after deciding who should ask the questions began:

Q. "Who was the first man?"

A. "Adam."

Q. "Who slew his brother?"

A. "Cain."

Q. "Who was the hairy man?"

A. "Esau."

A great many other questions equally as foolish were asked. I was overwhelmed with disappointment. I felt that the whole world was a sham. My children after six months' constant attendance on that highly praised institution could answer no question of use. But they *had been put on the road to salvation*, and could tell who was "the hairy man."

Now, I never cared who was "hairy;" nor did I believe that it would benefit my children any to learn such infernal foolishness. I was deeply wounded in my feelings and expectations and I decided at once to take them away from the hypocritical place. Before night of that same day, I had engaged a carriage and two wagons. Having loaded the wagons before I slept I was on the road before nine o'clock the next morning.

I carried them back to the old settlement where my shop was. My friend Capt. Wall took eight or ten of his hands into the woods, cut and hewed out the timbers, and in the course of a month, with the assistance of the neighbors constructed a double log cabin, shop, smokehouse, kitchen and a stable on a forty acre tract of land he owned, in half a mile of his dwelling, and made me a present of it. It was a good, healthy home. I was proud of it, and went to work to improve it. I planted fruit trees, and made a three acre garden which in a short time yielded fine supplies for our table.

About this time the alarm of the cholera reached the United States, and a very fatal type of dysentery pervaded the region of country we occupied. They called it bloody flux, and it killed two to the hundred of the population. I was very successful in the treatment of this fatal complaint. I did not lose a case and they sent for me in a wide circle. Following this flux was a stubborn fever. A great many people died. I lost several important cases. In fact, I did not believe that any of it had been cured by any of the practitioners. Our remedies did not answer the indications.

The physicians were trying to make out to the people that it was a kind of plague that had got into the country. They lost a great many cases. I lost several. I began to suspect the treatment that was practical, and watched the effects of our remedies very carefully. At length a large, muscular and very strong man, about thirty years of age, fell into my hands, and feeling a strong desire to restore him, I staid with him and did my very best for him. He died under circumstances that left me but little grounds to doubt the fact that the calomel and other poisons I gave him hastened his dissolution. I was greatly discouraged. This strong man with three others that fell under my treatment that season and the hundreds that were dying all around me in the hands of other physicians, convinced me that our remedies were impotent, or that they were even worse than that, for they seemed to increase the force of the disease. I felt tired of killing people, and concluded to quit the man-killing practice and try to procure a living by some other method. But when I came to reflect about the matter, I found I was not able to perform manual labor and that somehow or other my housefull of small chil-



dren must be supported. I did not intend to practice the allopathic system any more, and I was at a loss to know how to proceed.

People came for me, but I refused to go, and I moped about two or three weeks till my mind finally settled on a plan.

I had long felt the need of good medical works written by Southern practitioners. All our medical books had been composed by Northern practitioners and their prescriptions really did not suit Southern complaints. So the plan I had conceived was to visit an Indian doctor of great reputation, who resided in the Six Towns, Choctaw Nation, and try to get him to show me what he knew of medicine and disease. I knew that there were very few men among the Indians who pretended to any conclusive knowledge of the use of their remedial agents. The Indians all knew them, and it is just as natural for one of them, when he is sick, to go the woods and get medicine to cure himself, as it is for him to go there when he is hungry to get something to eat. Yet there is occasionally a highly developed, philosophic intellect among them that collects and stores up all the useful knowledge he can get hold of; medicine and everything else. I had been raised and had spent the greater part of my life with the Indians, and I knew all about them.

I had, however, never seen the Eliccha chito of the Six Towns, and I wrote a letter to P. Jurzong, a half-breed, instructing him to see the doctor, and enquire of him if he would be willing to meet me somewhere in the woods, and stay with me until he had taught me his system of medical practice. If so, for him to say where he would meet me and what would be his terms; and report the same to me at his earliest convenience.

It was 200 miles from where I lived. However, in a month I received from friend Jurzong a very satisfactory letter. He informed me that the great Six Town Eliccha would be extremely willing to teach what he knew about medicine before he died to somebody, and to a white man in preference to one of his own people, because the white man would place it on paper and preserve it. He would meet me at the middle of the day after twelve sleeps, at the black rock bluff on Noxuby river. He also informed me that he would stay in the woods as long as I desired,

and that I must pay him 50 cents a day and find provisions for him.

It was seventy miles to the black rock bluff on Noxuby. I took my gun, some fish hooks and lines, a bushel of crackers and so arranged it as to be riding up to the appointed place precisely at 12 o'clock and I fully expected to see the doctor come riding up on the opposite side of the river at the same time. Sure enough there he came.

As soon as he discovered me, he hailed and said, "I know who you are, and what a pity it is you are a white man." "Why," said I. "Because you would have made such a good Indian," he replied.

At his request I crossed to his side, where we staked our horses, lay down in the shade, made up our acquaintance, and planned the the course to pursue. We then dined on some scraps of cold victuals I had in a little wallet; saddled up and set out for a place five or six miles distant where there was good water and where we should sleep that night.

As we rode off from the river, he observed to me, "You have a good looking gun, and the deer are very plentiful in this region. Turn off to the left there, travel in that direction about two miles, then turn to the right going directly north about four miles and you will come to a pretty little creek. I'll meet you there, and if you are a good hunter, you will bring me a piece of fresh meat for my supper."

I left him, and set out in accordance with his instructions, but had not progressed exceeding a mile before I shot a very fat buck, and saw many more. As soon as possible I cut out the back straps and with the two hams packed up and went towards the designated camping place as fast as I could. In two hours and a half from the time we had parted I had found the pretty little running creek. I made a little scaffold and soon had the venison cooking. It was nearly dark when the old man rode up and remarked, "It was by the delicious odor of your roasting meat that I found your camp. You are a mile higher up than I expected to find you." He staked out his horse, and I expected to see him go to the meat scaffold; but instead, he unrolled his specimens of medical plants and laid them in order on his right where he was sitting. He then took them up, one by one, de-

scribed the kind of soil they were found in, their uses, the season to collect them and what other plants they were sometimes combined with. He would then lay it on his left; and so on until he got through with that day's collection.

On my part, I wrote down all he said and preserved small specimens of each plant.

As soon as this was completed he went and ate a dog's bait of the venison without speaking a word. I also ate my supper of it, and I discovered that to find him plenty of meat could only be done where game was very abundant.

Every night he would have some specimens, and would attend to nothing else until he got through with his lecture. Then he would eat heartily if I had anything; if not, he did not complain or make any remarks. If I had nothing for our supper he knew the reason of it; and his mind had not been forced into the habit of making unreasonable demands. The nearest he came complaining during the six weeks we were out was once when we had been two days without anything to eat. As we rode along, I asked him the name and uses of a plant he was getting. He replied, "Go and kill something to eat. You will be talking about your slack belt again to-night."

He seemed to be familiar with every branch and creek in the whole country. He directed me to go to the right a little, and in about four miles I would find a swampy little creek. He said, "Get a deer there for they are plentiful and come back to this little branch. I shall sleep here, the grass is good for the horses."

I went and found the creek and the swamp, but saw no deer. I heard a dog bark, and going to it, I found a hunter's camp and plenty of meat, dry and fresh. He also had some sweet potatoes. I told him what I was doing, and that the old Eliccha chito went through such a poor country that I could find no game. He replied, "It is just like the old doctor, for he don't care about eating anything." So I filled my wallet with potatoes, packed up a lot of nice dry venison, took a good fresh ham, gave the hunter who took it very reluctantly a dollar and returned to the camping place on the grassy branch.

The old man came before dark. I had been broiling some of the dry meat, and before he got near enough to see my fire, he enquired, "How did you kill the dry venison?"



I asked how he knew it was dry.

"Oh," said he, "I smelt it a mile off."

We had a sumptuous supper and a pleasant night. After this manner we lived constantly in the woods until the old man had got through with his catalogue of medical plants.

He would not go to any house nor suffer me to do so. He said it would spoil the knowledge he was teaching, and make me forgetful. At the expiration of six weeks the old doctor told me there were no more medicinal plants this side of the Mississippi river for me to study; and that as soon as I would read and let him hear what I had put on the paper about what he had told me he would let me go to my own country.

I procured some fat pine and read a good deal that night. He corrected some errors—it was written in Choctaw—and added many things. We got through with the examination the next day at 10 p. m. He was greatly pleased. He took the manuscript and seemed to weigh it in his hands. "How strange it is," said he, "but it is true that this small bundle of *holiso*—paper—contains all the knowledge I ever possessed that is really of any account. Oh! if I had only the power to do that I should have been one of the renowned men of the world. Will you keep it and take care of it?" he eagerly enquired.

"Oh, yes," said I, "I shall soon translate it into English. It will then be printed on a great number of papers and made so plain that every body can understand it. I shall also state that Eliche chito of Okla hunale taught it to me and everybody will read that too."

"Well, well," said he, "that is wonderful. I am truly gratified. My old wasted heart is glad."

I told him further that when the book should be completed, I would send him one, and he could get his friend Pierre Jurzong to read it for him, when he would see that the same words had been faithfully preserved.

"Then the time for me to go to the good hunting ground will be come," said he.

Morning came. I paid him \$21. He looked steadily at the money a few moments and then handed \$10 of it back, saying, "You are a young man and will need this more than I shall. I

would not have any of it, but at a little store on my road home are two very good blankets that I laid aside as I came up. I must pay for them."

It was in vain that I urged him to keep all the money. He persisted in saying that he didn't need it.

So on that little branch, not far from the Yak nubbe old fields, we shook hands most affectionately and parted forever.

I went home and found a great many people had been complaining about my absenting myself from my shop.

I told them that I was tired of a sham practice, that our medical system was too uncertain, and that it failed too often. It is defective, I told them. "Oh, pshaw!" exclaimed they, "people must die. You will never find a system that will cure all your cases. Go to work again, we are satisfied with your practice, and some of us need your services every day."

About this time Samuel Thomson's *Guide to Health* was being widely distributed at \$20 a copy; and the people were felicitating themselves at their good fortune, for now, with their lobelias, cayenne, nervine and No. 6, they were able to cope with disease in any form, they maintained.

I listened at the bragging and prating amongst the steam doctors, as all those who had purchased Thompson's patent were called, and I verily thought it to be the most perfect tomfoolery I had ever heard in all my life. I considered that the medical science was invaded. I renounced practice and went to work again. People rejoiced that I did so and sent for me more than ever. Some of the steam doctors sent for me to go and see some cases where they had administered the lobelia a little too freely and had got their patient into what is termed amongst them the *Alarm*.

I would remain with them administering gentle stimulants until the alarm would go off, and then, thinking I had cured the case, would talk and tell what I had done for the steam doctors. I would often quiz those steam doctors with questions in anatomy and physiology, and confuse them till they would almost weep for vexation. I thought it was right and a little smart to devil the poor fellows. But I know now who was the fool then.

There was a very wealthy connection of people in that country by the name of Pruett. There were a dozen families of them, all

owning many negroes. The old man, Samuel Pruett, father and director of the clan, came to me and told me that he and all his boys were going, as soon as the Chickasaw lands were surveyed, to engage in buying the Indian reservations; and that they would, for a year or two, be absent from home a great portion of the time, consequently would not be able to attend to their cases of sickness. They all had made themselves sufficiently acquainted with the Thomsonian System to feel entirely independent of the old school doctors. They had had two years' practice with Thomson's remedies, and they felt assured that they were able to cure any of the climatic complaints. Their women could attend to all minor cases, but once in a while bad cases in so great a number would occur, particularly amongst their negroes.

"This kind of cases," said they, "we do not intend to impose the labor of treating upon our women, and we want to engage some one in whom we can place confidence to attend to the bad cases during our absence. We have had a family council on the subject in which we have discussed the merits and character of all our doctor acquaintances. We know all the fool talk and ugly words you have displayed in your game making about the steam doctors. We don't care for that. We have confidence that you will not fail to do anything you say you will. And now let me say to you, that the object of my visit is to try to get you to say that you will study the Thomsonian System and practice it in our families during the time we are engaged in the land speculations. We don't ask you to practice it except in our families, but we demand that you employ no other medicines in them. Such is our confidence in the Thomsonian remedies that we are fully willing to trust them in all cases of sickness; and if you will say that you will undertake it for us we will furnish you with a set of books and you can use what medicines we have on hand while they last. By the time they are exhausted you will have a chance to procure more. You shall have the practice of the whole connection and we don't care whether you give a dose of steam medicine to any one else or not. Now say what you'll do."

I replied, "You are all my neighbors and particular friends. I would go a good way out of my usual course to aid or oblige any member of the family. But don't you think our good friends can sometimes require a little too much of us?"



"Shut your foolish mouth," said the old man. "You are struggling with a big family, and we want to help you. We don't want to mortify your feelings by making appropriations for your benefit. But we have a piece of work which we know you can do with benefit to us and credit to yourself, for which we are able and very willing to thoroughly remunerate you. Take these books and make yourself ready as soon as you can."

I took the *Guide to Health*, and read it carefully in two days. I then went to the old man Pruetts to see the remedial agents. I found he had plenty of lobelia, cayenne, nervine, skunk cabbage, and bay berry. They were in loose papers, tin boxes, and all wasting. He had no preparations. I enquired how they got along without the preparations.

"Oh," said he, "they administer it all in the form of decoction or tea, and it cures every time."

I told him if I undertook to practice for him I should like to have all the preparations, and do the work according to the directions laid down in the book.

"That," said he, "is just what we want. You have bottles plenty to put them in and can fix them scientifically. So take them all home with you and put them up."

I called for some thread, and, while I was carefully tying them and putting them into a box, the old man who was observing me the while, remarked to some of the bystanders, "See those practiced fingers how neatly and with what extraordinary facility they arrange and pack those papers. Just the manner he packs up them papers pleases me. It is a prophecy too that he will be sure to investigate the subject as he thinks now to enable him to serve us truthfully, but it will result finally in his making the grand discovery that the Thomsonian System, imperfect as it now is, is nevertheless vastly superior to the old school practice. And I make this prediction, that, as soon as he understands it, he will lay aside his poisons, and become a thorough botanic practitioner; that he will become greatly distinguished as such and that he will make a fortune. Don't forget what I have said this day."

I remarked to him, "Well father Pruett, if the play of my fingers in folding and binding up these papers inspires your prophetic spirit so highly, come up to my shop in fourteen days,

when I shall have the No. 6 3rd preparation and all the tinctures filtered, bottled and neatly labeled; and you will probably go into a prophetic trance when I shall have to restore you by administering 'Wake robin,' and 'No. 6.'"

"Young man," said he, "it availeth nothing for you to make sport of my prediction. I repeat, you will be a steam doctor, widely known. You will throw away your poisons and become a great and notable advocate of the botanic system, when I shall rejoice, because I am the cause of it."

I carried the medicines home, compounded and made up all the preparations, put them in clear glass tincture bottles, put on fancy labels and set them up on some shelves I made for them. They looked very pretty and the taste and smell of them indicated that they were potent remedies. I had compounded and put into nice specie jars all the powdered preparations before the fourteen days were out. The old man Pruett came and was perfectly carried away with the appearance of the preparations; and said to his son-in-law, Dr. Bailey, who came up with him, "Whiv hadn't you made out such preparations, they are so nice?"

"Because they are just as good in their crude state," said the doctor.

The old man looked at him a moment, and then turning to me said, "If I get sick, I shall send for you. You must be sure to come and bring with you some of these nice medicines. I am sure I shall prefer them to the lazy way we have been using them." I gave him specimens of the tinctures; he wanted to show them to the family.

They began to send for me before they had gone land hunting. I soon encountered two or three cases that were so violent that I was afraid to trust the new remedies in their treatment; and I said so. I was asked by the confident Kirk Pruett, whose negro it was that was sick, if I understood the steam practice in such cases. On being answered affirmatively, he said, "Well, go ahead with the steam medicines. I will hold myself responsible for the result for I know you'll cure him."

Then I administered my first lobelia emetic. It was a bad case of fever. By the time the emetic had ceased to act, the patient seemed to be cured and wanted some broiled meat, which I ordered for him.

I had large saddlebags made, and I carried the Thomsonian medicines in one and the old school drugs in the other.

There were a number of families in the community who had furnished themselves with Thomson's books, and they all encouraged me to go ahead in procuring plenty of medicines. They would employ me, if I would confine my practice in their families to the steam medicines; and I might administer my poisons to all else who desired it.

All my old customers continued their patronage, and all the steam doctors far and near, when they had a bad case sent for me; for my Pruett friends had taken pains to spread the news that I had made myself thoroughly acquainted with the system and that I had been performing miracles with the sick cases among them.

Some of my old school customers had been listening to the wonderful accounts given by the Pruett of the cures I had performed, and when they had occasion for my services, desired me to practice the botanic system on them. It frequently occurred at houses where two were sick at the same time that one would require the steam practice while the other would say, "Give me the old school medicines, for I would rather die scientifically than be cured by quackery."

But the fact that the cases treated with the botanic agents recovered sooner every time and that under that treatment there were no deaths could not be concealed; and the people in my region of practice began to turn over to it in many families. They sent for me fifty miles or more, for which I often received \$100. My business grew daily. I made so much money that year that I began to pay installments on my old \$5,000 Mobile debt.

In the course of this year's practice I had, in hundreds of cases, demonstrated the superiority of the botanic system, and I desired to discontinue the Allopathic System altogether. Yet I knew many of my patrons still preferred the old medicines, and I did not wish to lay *them* aside, and I continued to carry the drugs with me and wherever I could succeed in convincing them of the superiority of the other I did so, and gave it to them.

About the middle of the second year of my double practice, I lost a two year old child under circumstances leaving me no ground to doubt the fact that the death was occasioned by the allopathic remedies. And, while I was gazing on the twitching



muscles of the dying child, I made a solemn vow to myself that I would never administer another dose of the poisons of that system.

I started home; and after passing through the gate into the big road, I emptied the old school medicines from my saddlebags and left them in a pile on the ground. It was at the heat of a summer day, and one of the vials containing sulphuric or nitric acid, bursting by the heat, flowed into a paper containing chloride of lime, when considerable effervescence took place. The people reported that it boiled and smoked there for two or three days, and grew to a great heap. Many came to see it.

The doctors, who by this time were beginning to say a good deal about my apostasy, made a great scandal out of the boiling mass I had thrown out at Malone's gate. But I turned the tables on them by telling the people that it was all old school medicines I had thrown out there, and that, if I kept my senses, I would never kill any more children with it; for I had vowed never to carry a particle of it with me again.

After this occurrence I carried none but botanical remedies with me. Now came Howard's *Improved System of Botanic Medicines*. It was written in better style and spirit than Thomson's books were, and, after getting through with the perusal of it, I conceived the idea of combining my Indian medicines with it and try to get up a Southern system of practice that would be more applicable to Southern disease.

I studied hard all the time I was not actively employed. I very much needed a knowledge of systematic botany, and I studied it on horseback as I rode from place to place until I understood all that was known about it then.

About this time, I opened a correspondence with the Howards, and wrote an account of my conversion to the botanic system with a number of other articles describing cases and their treatment, which were considered very interesting and very highly spoken of by the editor of the journal who published them.

At this period, 1834, people began to talk about what a fine country Texas was said to be. They had a great meeting on the subject and made up an emigrating company which consisted of one hundred heads of families. This company included mechanics, school teachers, preachers and doctors. They bound

themselves by signing an appropriate article to go all together to that country, if the exploring committee on their return should report favorably of it. The committee consisted of ten men, who were considered good judges of country, and whose veracity was reliable.

They gave me the appointment of physician in the exploring party, and we were to be ready to set out on the 20th of November, 1834.

I went to work with all my might, putting my home and family in a condition to leave them and collecting funds to defray the expenses of the trip.

The 20th of November came. The members of the committee were to assemble at my house and start from that point for the long journey.

I was all ready with my pack horse, a nice pack of choice medicines and a peck of sugared parched corn flour, a good rifle, powder, bullets, a butcher's knife, four pocket knives, fish hooks and lines, a good bowstring, a good big axe, a frying pan, coffee pot and tin cup. But the company did not come, not a man of them.

I intended to make the trip since I had put myself to the trouble of fixing for it, if no one else went. So I laid up my preparation carefully, for I was not quite ready to set out alone. I needed a little more money, if I had to go by myself.

I turned out amongst my customers and in the course of eight or ten days had raised my traveling purse to \$1,050—\$100 of it in specie and the balance in U. S. bank paper.

I was now ready, and gave notice that I intended to set out on the first day of January ensuing. A few days previous to that time, a good friend and neighbor came to me and said that he hated to see me go off on such an expedition as that would be without company; that he had been thinking that if he could raise as much as \$200 he would bear me company. This was talked of among the people, and on the 9th of January we set out, six men, eight horses and one dog.

We crossed the Tombecbee river at Cotton Gin Port and camped the first night a few miles beyond in the Chickasaw country.

It rained a great deal about that time, and our progress was

delayed two or three days on account of the high water. The remainder of our journey to San Felipe in Texas was quite pleasant, no accident or mishap occurring to any of the company.

From San Felipe we went over to the Colorado, which we struck five or six miles above where Columbus now stands. We turned up the Colorado and crossed it at a ferry belonging to Capt. Jesse Burnham fifteen miles below where La Grange now stands. From there we continued up the country until we reached Bastrop. We remained several days at that place. The 4th of March came, and with it a severe norther that drifted the snow waist high against the back of our tent.

Old man Weaver thought that we had gone far enough into the frozen region and proposed to go back south. No one objected, and on the 6th of March we set our faces to the south. On the evening of the 9th we camped in two or three miles of the ferry on Colorado that we crossed on as we came out. The weather had now become pleasant; and in the morning when I returned from bringing in the horses, old man Weaver observed to me, "Well, Gid, we have come to the conclusion that we have seen enough of Texas. Have you?"

My reply was, "No; I have seen nothing yet. I can not consent to return until I make myself able to make a satisfactory report in reference to the character and prospects of this great country."

"Well," continued he, "we are satisfied and we intend to start home this morning. Get your book and let us have a settlement." I was contractor for the company and had up to that date paid out my own money for all things that were for the use of the company.

I made the estimate and they all without a word refunded my money. We then had a little auction for the camp equipage. I bought one leaf of the tent and the axe. All passed off well, and the settlement was amicable. We all saddled up. I took my seat on a log, holding my horses. They shook hands with me as they went by me, and left me seated on the log. They went into the Colorado bottom and were soon out of sight. My horses set up an awful squealing after them, and I felt pretty lonesome myself.

After my horses had become somewhat pacified, I mounted and rode up to Captain Burnham's, a few miles from where they left



me. He had the physiognomy of an honest, friendly man. Indeed, he made on me the impression of a familiar friend; and I very thankfully accepted his kind proposition to make his house my home. I unpacked and deposited my luggage, turned my horses out on the prairies, and I was at home.

Burnham had lost his wife several years previous to my arrival, and he had a houseful of children: one daughter married and gone; three daughters and four boys at home. They were all good children, and the time I spent at his house was quite agreeable.

I did not, however, spend much time at Burnham's, I went to Texas to explore and make myself acquainted with everything that belonged to it; and to carry out that design, most of my time was consumed in traversing her vast grassy plains. I found no difficulty in procuring on the prairies plenty of venison to subsist on, and sometimes honey. I began my excursion trips by staying out a week the first experiment, and found I could live well enough myself; and my horse could get a mouthful of nutritious food every step we traveled, if he desired it.

Burnham did not like for me to make such extensive excursions alone. He said the Indians would find me and be sure to kill me; that he had been uneasy all the time I was gone by myself.

There was nobody to go with me, and I could not abstain from examining the country. So I told my friend Burnham, that there was not much danger of the Indians with my cautiousness and that go I must. To gratify him I remained with him five or six days, answering his questions. But the weather being fine, I set out on another trip. This time I journeyed coastwise, examining the mouths of the rivers from Brazos to Arkansas bay. I was gone a fortnight this time. I lived plentifully all the while. Three or four times I found honey. Once I tried fish. I did not relish them—had no bread nor salt. But every time I found honey I would have a feast of the first order. I could kill venison anytime, and to broil the back straps—*dorsal muscles*—of a deer, carefully on the coals, dip the point of the done meat into the honey; seize it in your teeth and saw it off with your knife, is the best and most pleasant way to eat it. I have often thought, at the time I was so agreeably feasting in that way, that there could be no other preparation of food for man that is so suitable,

so natural, so agreeable and so exactly adapted to his constitutional requirements. When I returned from this trip, Burnham was pretty smartly out with me. He said he expected me to stay with him and keep him company. Instead of that, he said I preferred lying out in the woods. He never saw such a man. No one else had ever done so in Texas. "You must not try that again," said he. "It is the time of year for them to come down, and the prairies are already full of Comanches."

I said I knew that. I had seen several squads of them in my travels. They are a fierce looking kind of Indians and I don't much like them.

"What did you say to them?" he inquired.

"Say to them!" returned I. "Why, nothing. I did not let them see me. I don't allow the Indians to see me when I am traveling in the prairie. I saw signs of them almost every day, and three times I saw them. Once at their camp broiling and eating meat, once running and heading off some buffalo from the main herd, and another time I saw ten or twelve of them sitting under a lone tree in the prairie. I could not discover that they had any enterprise on hand; though I did not feel sufficiently interested to enter into a close scrutiny."

"You are a strange man," said Burnham, "and you will get killed sure. You must stay with me. I can find amusement for you."

I remained ten days with him that time. We hunted the deer twice and went to the ferry boat fishing three times. But I had in my mind planned an extensive trip. I tried to hire a young man I had got acquainted with to accompany me; but he refused on the grounds that we should get lost and perish on the prairie; or the Comanches would get us. So I had to go alone.

This time I traversed the country across the head branches of the Nevada and La Vaca, struck the San Marcos river at the place where it rushes out from beneath the mountain, and traversed its beautiful valley to its junction with the Guadalupe. Crossing the Guadalupe I made my way southward, passing to the left of San Antonio, and found a vast prairie, full of wild horses, buffaloes and some Comanches. I saw some droves of wild horses that must have numbered many hundreds. The buffaloes in that portion of the country were not so numerous.

I was never out of sight of the deer, and I found rattlesnakes plentiful, particularly on the Nueces river. They were so numerous there in the cactus patches that I did not feel safe to sleep near the cactus.

Turning more and more to the north as I progressed, till at the foot of some mountains I had for the last two days been directing my course to, I came to a considerable river. There were no signs of any sort of people here, either old or new. I went up the river half a day, until I could go no further with my horse. I then with much difficulty climbed out eastwardly over those rugged volcanic mountains. I slept in them one night without water or anything to eat. The next night I fared better. I had killed a kind of a mountain goat, and I found in a deep ravine some good water. The next day I came down the mountain on to a beautiful plain that was very level and extended eastwardly as far as I could see. I could see no living thing on it, and, as it was getting late in the day, and I should not be able to cross the vast plane that afternoon, I concluded to camp at a little rill of water that dripped from the rocks at the base of the mountain, and try to find something to eat. I turned my horse to the grass in a little cove in the side of the mountain, to conceal him from the observation of the Indians, should any be passing, and had gone back to examine the character of the stratified rocks from which the water was falling. I made two unsuccessful efforts to kill a deer and had I not found a land terrapin that Ned had kicked over while running after me, I should have had no supper. Very early next morning, I slipped along side of the rocks, and very soon got a fat little buck. I roasted the back straps to take along with me and made my breakfast from other nice bits.

By nine o'clock I was leading my course over the widespread plain. There were plenty of grass and fresh buffalo signs, but no living thing in sight. I was surprised at that, and could not explain it till towards one o'clock, when I discovered far to the north of me, the smoke of a prairie fire booming up in the distance. I hurried forward as fast as I could, but coming suddenly to a deep chasm in the prairie soon saw that I could not cross it. Having just before seen the signal smoke I could but feel that delays might be dangerous, and my anxiety to be on the other side of that terrible gully was increasing every moment.



I pushed old Ned in to a faster gate, and had gone so far towards that infernal signal that I was beginning to think of turning back, when I came suddenly on a wide plainly beaten road, leading towards the great gully. There were no tracks but buffaloes in that plain road. I followed it and as I expected soon came to a crossing place on that deep gully. I made haste to cross it, though it was a dangerous place. At the bottom of it was a rushing little river of clear cold water. I got over safe and hurried away eastwardly as fast as I could.

About dark I reached the border of the wide plain and found that I had been on the top of a mountain which I would have to descend if I continued my course. I could not see then how to proceed down the steep declivity, and, I put my horse on the grass for the night, ate my remaining piece of roasted venison, and lay down, for I was tired. Morning came again and Ned was missing. I took his track and followed him a quarter of a mile down a very steep declivity to a nice little running brook. The place he had gone down was so steep that he couldn't get back; and I had to carry my saddle and things to him. It was a nice place of water, and much deer sign. The grass and pea vines were very fine, and as it seemed to be out of the range of the buffalo hunters, I concluded to rest a day, and kill a deer and cook it up to carry with me, a thing I had never done till the day before. I cooked the good pieces of a deer in long strips to make it carry conveniently, and I feasted on the scraps from the roasted bones nearly all day. It was a fat deer and the roasted bones were extra nice. I slept there that night, and early the next morning set off down the run of the brook. I went a great deal too much south, but it being the only road I could travel, I continued to go until I came to a cataract.

Two or three hours ride below the falls brought me to a country where I could change my course to the eastward again. I passed over an elevated, rolling country with plenty of running water. At twelve o'clock of the second day after I left the mountains I came to a clear running branch, having a timbered valley fifty or sixty yards in width. The ground was thickly coated with beautiful grass, and my horse was pulling the bridle and nipping at it most eagerly. It being the middle of the day, I threw myself down by the side of a log and commenced writing

in my journal. My gun was standing against a stump about four feet to my left. I had not written half a dozen lines until I felt the presence of some one, and, turning my eyes to the left, was startled by the discovery of an Indian standing within a yard of me. He had my gun in his hand and was examining the lock. I soon found myself a prisoner in the Indian camp.

By informing the Indians that I was a medicine man and making them believe that I had a medicine (hartshorne), the odor of which would destroy life, and another (peppermint), the taste or the odor of which would restore life to the dead, they came to have great respect for me. After a few days they gave me my freedom in order that I might find a certain important medicinal plant which I had described to them and which one of their number said was at a place to which he directed me. I left them promising to return in a few days.

I was afraid that a squad of the hunters might follow and overtake me in order to rob me of my fine gun, horse and other equipments. I, therefore, rode away slowly until I got out of sight and then, changing my course, rode rapidly all that night, all the next day and night and until 12 o'clock the day following. I did not stop two minutes at a time the whole route. I was greatly fatigued and my horse became so hungry that he would bite off the limbs of bushes as thick as my finger.

It was an exceedingly elevated country, and from my standpoint I could overlook the vast plains for many miles. I could see hundreds of thousands of buffaloes, lazily grazing in the far-reaching prairie, and I knew by the quiet manner in which they were feeding that no Indians were near. Nevertheless, I surveyed the vast plain, to its dim extent with sharpest scrutiny. After thoroughly satisfying myself, I turned abruptly to the right and entered a strip of timber half a mile off, where I found at the bottom of a steep ravine a nice little rill of clear water. I stripped my horse, took him a little way down the stream, where he could get to the water. While he was slaking his thirst I poured many cups of water on his sweaty back. I turned him loose to graze, but he stood still while I lay down to rest.

I was very tired and slept till 3 o'clock. When I awoke, I discovered that my horse had not moved a single one of his feet. He was standing very still and seemed to be sleeping. I was

uneasy about him, fearing the forty-two hours I had sat on his back, had been too much for him. I was hungry, and seeing that my gun was in order, went first to the elevated plain to look out for Indians. There was nothing in sight except perhaps half a million buffaloes, which were quietly grazing on every part of that grand expanse. Hungry as I was, I did not think of shooting one of them, though I could easily have done so, for some of them were standing and chewing the cud, in thirty yards of where I had crept up to the top of the high ground. I stood there overwhelmed in amazement while contemplating that count-I found him busily feeding. I continued down the branch a mile less herd of wild cows. There were some large wolves, but no deer. I could get no venison there and going back to my horse, or so, and came to where it discharged its clear waters, into a bold, running creek with rocky bottom and steep, red chalky banks. I had found no deer and I concluded to move my camp down there as it would be further from the buffaloes and consequently less liable to be discovered. It was near sundown when I came in sight of my horse, and there were three or four deer between us so exactly that I had to wait for the horse or the deer to move, so I could shoot one of them without endangering the life of the horse. After shooting one, I moved my things down to the deer, and slept there. In the morning I rode down to the creek and still feeling indisposed for traveling, I turned Ned out on the nice uncropped grass and spent the day examining the rocks in the bed of this creek and on the cliffy banks.

Having cured some nice pieces of venison, I left my camp before the grass was dry the next morning. I went back to the high land to make a careful observation and assure myself whether there were any danger to be apprehended. There was no sign of anything but a few wolves and the innumerable herd of buffaloes.

I traveled eastwardly and crossed a beautiful little clear river. In the course of ten days' travel over various kinds of soil and country I reached the Colorado river at Bastrop. My clothes were pretty well torn off and it was with much difficulty that I succeeded in getting a shirt and pantaloons in the place, and they had been worn. I remained only one day in Bastrop. In three days more I was safely landed at my friend Burnham's, on the



fifty-fifth day since I left him. He grumbled a little but he was glad to see me, and so were his children. I remained with him three weeks, and, it being pleasant weather, we rode to several of the neighboring settlements which were to be found as near as twenty and thirty miles to his place. He also carried me to several very elegantly located leagues of land that he said could be had for twelve and a half cents an acre. He was very anxious that I should purchase a place, for he desired that I should fetch my family out and live neighbors to him.

I made one more trip of exploration, east of the Colorado. I examined the Little river country and continued up to the falls of the Brazos. Thence on the return route through the Ye Gua country, examining the Long Point league two days I went to see Phelix Houston who was S. F. Austin's agent, and tried to purchase the whole league. He had been instructed to ask \$5 an acre for it. I was not able to pay for it at that rate, but I marked it, as I intended to come back. I did go back thirteen years after and bought the same league at 75 cents an acre—From the Long Point tract I returned to my friend Burnham's, and, after three or four days' rest, began to prepare for the homeward journey. It was thought to be a thousand miles to my residence in Monroe county, Miss. For that long journey in the warm season and the greater portion of the route a wild wilderness, would require more luggage than my riding horse ought to carry. I had long ago sold my pack horse. I now had to get another. That was easy to do. I made a good pack saddle, packed my clothes, specimens, and cooking things on my new horse, and with many promises to come back, bade my friends an affectionate adieu and set my face homewards. I had promised to call at San Felipe and see Gale Boden, who had been a long time sick. I got there in the evening of the second day. Boden was very much gratified that I called on him.

About that time Mosely Baker was beating up for volunteers to meet the invading Mexicans. All the men in San Felipe had already enrolled themselves. I thought pretty well of the chances it offered, and added my name to the list. But George Ewing, of Monroe county, Mississippi, Thomas Gay, of Georgia; Wm. Jack, of Alabama, and Travis, of Tuscaloosa, Ala., all old acquaintance of mine, opposed my joining them. There was,

however, quite a number of the company, including Captain Baker, very anxious for me to remain with them. Captain Baker assured me that as I had joined the first company of volunteers that had been raised in defence of the colony, and being fully competent to fill the office, there would be no opposition to my being surgeon-general to the forces that would occupy Texas west of the Brazos; that he was going to the convention, and that he intended to exert all his influence to obtain the appointment for me. He had no doubt of success.

I thought well of it myself. I could very easily see should the enterprise turn out a success, what permanent chaplets of wealth and glory would crown the performers. But those old friends I have named above, who were acquainted with my domestic condition, opposed my becoming a volunteer more vehemently than ever. George Ewing made a speech on the subject, in the course of which he remarked that Captain Baker no doubt thought it right, and that, as he did every thing he laid his hands to, he would pursue it till his efforts were crowned with success. But Captain Baker was not, like him, apprised of the fact that in the State of Mississippi I had left an interesting family, a wife and nine children; and notwithstanding the fact that I might gain a high sounding reputation, it was nevertheless a perilous undertaking and it would be no advantage to my family for me to bleech my bones on the prairies of Texas. "It must not be," said he; "Dr. Lincecum must go home."

"But," said I, "My name is on the list and cannot be taken off."

"I have the list said Gay, and I will show you how it can be got off;" and taking a pen, he erased the name from the list.

Captain Baker was highly offended at what Gay had done; and they came very near having a serious difficulty about it. But when Ewing explained the case with all its bearings to him, he too opposed my becoming a volunteer.

After attending one day to Gale Boden's case, I collected some meat and bread, packed up and left San Felipe, at 2 p. m., the fourth day after my arrival. I crossed the Brazos on the ferryboat, and went out about three or four miles to the edge of the prairie where I camped. It was a sad night for me. I felt that it would have been better for me to remain.

I packed up and set forward, aiming for Gaines' ferry on the Sabine. I averaged about twenty-five miles a day. I had no path, and when I struck the Trinity river, I found it brimful and running swiftly. I gathered up some old dry logs, constructed a raft upon which I crossed the river with all my plunder, swam my horses over, and went several miles farther the same day. Continuing to travel every day, for it did not rain where I was from the time I left Burnham's—I struck the road that crosses at Hickman's ferry, seven miles below Gaines' ferry. It was 12 o'clock when I struck the road, five miles from the Sabine river. The grass was good and I turned my horses on it to graze while I slept, for I had nothing to eat.

I had slept perhaps an hour, when I was awakened by a coarse voice, shouting, "Hello, traveller, are you asleep?"

It occurred to me that the sound of that voice was not friendly, and taking hold of my gun, which was sitting against the tree at my head, I rose up before I spoke. "Yes, I am traveling," said I; and I thought he looked like a robber.

"Which course are you going, east or west," he asked.

"I am going east," I replied.

"That is my course," said he, "and I should like to join company with you."

I said, "Well, Sir"; and I wondered if I had said I was going west, if he would not have said that was his course. I resolved to watch him and let him get no advantage of me. He alighted, and let his horse graze awhile. The hour came for me to pack up; which I did, and we traveled on together and in about five miles came to Hickman's ferry on the Sabine. I got bacon and bread there and we went on, I watching him all the time. He was very talkative. He proposed to join me, pay his part in the provisions and for the use of the pack horse and camp out with me. I agreed to all his propositions; for they were all fair. Near night we came to a good camping place and he was so officious that he increased my suspicions very much. He would not allow me to do anything at all. He hobbled out the horses, made a fire and cooked supper, forbidding me all the time to do anything.

Supper over he made down his pallet and after lying down was soon snoring, I thought a little too loud for a young man. I put my gun in good order, laid my big knife in a convenient place,



and lay awake an hour. He snored on. After awhile I called him. No answer. I called again he did not cease snoring. I got up, having my knife ready. I took hold of the blanket upon which he lay; the long pine straw lay thick on the ground, making it an easy matter to drag him, which I did, carrying him off thirty yards or more. He did not seem to know anything had happened, and I left him in the enjoyment of his sound repose.

I went to my packet, satisfied that the man was what he said he was, I slept to near sun up. Soon after I had awakened, my companion also raised up. He looked around him and said "I should like to know how I came away out here."

We traveled onwards daily, and I found the young man as good a traveling companion as I had ever seen. His name was Mason Foley. His home was on the Lavaca, Texas.

After we had crossed Red river we got along better. We could get provisions and corn for our horses. At Alexandria, La., people were dying of the cholera rapidly. We hurried through that place; and, though it was late when we got over the river, we went five or six miles into the pine forest before we took up camp. On the Wichita and San Louis rivers we heard nothing of cholera but when we came to Mississippi, and had to travel twenty miles along the levee, among the rich farms on the banks of the river, the cholera was raging awfully. One man, who fell in company having his little son riding behind, told me that he had lost \$400,000 worth of negroes; that his wife and all his children, except the one behind him, had died of cholera. I saw several houses along the river where all the inhabitants were dead, some unburied, and the dogs howling in the yard. We hurried onwards and crossed the great river at Rodney. I wrote a letter at Rodney that I would be at home precisely at 12 o'clock on the 5th August and mailed it.

Our road passed through Port Gibson, Clinton, etc. When we got into the Choctaw country which was full of big hogs three or four years old we had to be more careful at our camps. They were so troublesome that we decided to stop at the taverns along the remainder of the route, though the cost was four fold greater.

When we came in thirty miles of Columbus, I staid all night with my brother Gabriel. It was the last time I ever saw him.

He told me that a month before my Brother Rezin Bowie had died at Lexington, Ky., on his way to New York. He also informed me of the death of my friend John Pitchlynn, who had died a few months before.

We reached Columbus, Miss., the next day, and I stopped with my brother-in-law, Jo Bryant. I married his sister, and he married my sister.

My clothes were pretty badly worn, and I went to Dr. A. Weir's store in Columbus and got an entire new suit. Leaving my traveling companion, Mason Foley, I set out homewards next morning. I fell in company with G. W. Wall who resided on the road 15 miles from my house, and the following, being the day I had written from Rodney that I would be at home precisely at 12 o'clock, I staid all night with Wall. After breakfast I set out for home. When I came in half a mile of the house it lacked half an hour of 12 o'clock. I got down and let my horses graze, while I finished up my journal. Ned wouldn't graze, but stood by punching me with his nose occasionally. The other did not know he was so near the end of his journey, and he took advantage of the chance for grazing.

Time, as it does in all other cases, soon ran out, and mounting old Ned, I rode up to the yard fence. The family were at dinner under the long shed that reached from the house to the well. They were so much engaged they did not see me for some minutes. I had time to count the children and see they were all there. Two of them, Leonora and Cassandra, whose heads were a yellowish brown when I went away, were black now, and that was about all the change I could discover. At length my old hunting dog Hector, discovered me, and instantly ran and leaped up on the fence, then into my lap and very rudely jobbed his cold, wet nose into my mouth. The family then quit the table and did not finish their dinners.

I had been absent seven months lacking four days. I counted what money I had left and found I had \$31.37½ more than I started with.—I had received for three cases of medical services \$220—all was right at home.

It was a sickly autumn, and I had to be on duty day and night. My success was as good as it could be; for I did not lose a single case of any description. Those who resided too far off for me to

visit came to see me, though I did very often visit the sick to the distance of fifty or sixty miles. So many cases of chronic diseases came to my house for treatment that I decided to prepare rooms for them. This I did.

Yielding to the solicitations of the people of Columbus, I then removed to that town. It took eleven wagons and a carriage to transport the things I had accumulated, and my big Mobile debt had been paid. My practice grew better every year after the removal. In my seventh year at Columbus I treated 2,236 cases, mostly fever. I lost no case of any kind of fever during the seven years I practiced at Columbus. In my annual advertisements I stated that I would make no charge for a failure to cure fever of any kind. During the seven years I booked \$51,000 besides the cash fees. The last month I practiced amounted to \$1,266. It was the month of September.

I quit the practice and spent all the time from then to the 30th of March, 1848, trying to collect. I got in possession of a considerable amount of money and still had outstanding \$7,508 on solvent men that would have to be sued on, which would require eighteen months to make the money. I had no notion of remaining in Columbus that long. And I knew by experience that if I left it in the hands of any one to collect for me that I never should get any of it. So I tore up the notes and scattered them to the winds.

I owed no man anything, and when I destroyed that bundle of notes no man owed me anything. I was even with the world every way and could go when and where I pleased. The people said I must not go away, but I decided to go to Texas.

I packed up all the medicines I had on hand and my furniture,—all worth \$5,000—sold my place, bought ten negroes and ten fine horses. The horses I started immediately in charge of two of my sons and one negro man to Texas.

On the morning of March 30, 1848, by nine o'clock we were all aboard the good steamboat *New Era*, Capt. Jo Estes. It was not a very pretty day but the citizens of Columbus nevertheless came out by hundreds, and by the time the boat was in motion the shores of the river were thickly set with ladies and gentlemen, whose waving hats and fluttering handkerchiefs testified that the parting hour was seriously and deeply felt. As the boat left the



landing I looked back upon the fine dresses that lined the shore for hundreds of yards, and which were now, from the increasing distance, rapidly blending; and, while I gazed, the idea of what a number of precious friends I was leaving behind almost overwhelmed me. My heart throbbed heavily and I experienced emotions that have occurred to me but that one time in all my long life. At Mobile we transferred to a large steamship bound for New Orleans. There we took passage for Galveston on the Palmetto. From Galveston we went by boat to Houston, reaching that place on April 11, 1848.

The second day after our arrival at Houston the young men, my sons, and the negro arrived with my horses. We then made ready to go through the country to the place I had selected for our new home.

We traveled leisurely on the prairies, and at 10 a. m. the 22nd of April, my birthday, passed along the Long Point league, the tract of land I had selected thirteen years ago. It looked just as it did when I examined it in 1835. We moved into some very good houses, not more than a mile and a half farther, I had rented from a man I met in Houston.

After examining a wide scope of country and finding no place that suited me as well as the Long Point tract, I decided to purchase. J. V. Matson paid for 2,000 acres and I took the rest of it. I paid seventy-five cents an acre for my part of it. Matson paid for his 2,000 acres one fitified negro girl and the rest in Mexican ponies, at the same rate per acre that I paid.

My settlement developed into a thriving little village. There were at one time four stores, a smith's shop, a wagon shop, cabinet shop, and a potter's shop at this place.

When the Civil War came we labored hard to perform our part in the struggle for liberty. I labored daily, making spinning wheels, looms, reels, spinning and carding machines, sleys, swifts,—all the necessities for making cloth. My wife and daughter spun and wove, knit socks and did all they could to clothe as many soldiers as possible. We also fed, lodged and made music for all that called on us, and that was perhaps thousands. We lost our *cause*, and my wife was greatly mortified at it. She began to decline rapidly and a few months later died. I thought that her death was attributable to our failure. I had nothing

after this to detain me at the lonely old homestead. I put my ambulance in good order and with William H. Lincecum and James Caldwell and little George Campbell explored twenty-eight counties of upper and western Texas. We were out three months, camping all the time. I collected a great many subjects of natural history, among them two thousand butterflies, a great many variety of mussel shells, fossil oysters, clams, conchs, etc., etc.

I wrote a great deal about this time describing the natural history of Texas. My letters were to different academies. I was also daily skinning birds and collecting many subjects of natural science. Many of my letters were published in the reports and journals of the different academies of natural science. I have seen reprints and extracts from them in the journals of Europe. I corresponded also, with some of the great scientific men of Europe. One of the most polite letters I ever received was from Charles Darwin, author of "The Origin of the Species." I investigated for twelve years the Texas ants and other insects. I learned much about them that had not been published before, and was increasing in my knowledge of them every day. But our Yankee masters began to bear too tight on me, and I had to give it up.

After selling all of my possessions in Texas which I could not move, I left for Tuxpan, Mexico. I was then seventy-five years of age. It had been twenty years since my removal from Mississippi.<sup>4</sup>

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<sup>4</sup> After a residence of five years at Tuxpan Dr. Lincecum returned to his former home in Washington county, Texas. He died Nov. 28, 1873, and was buried at Mount Zion cemetery, five miles from his home. According to his directions, the highly prized violin, to which numerous references are made in his autobiography, was buried with him. This instrument was made in Paris, France, in 1820.—EDITOR.





## CHOCTAW TRADITIONS ABOUT THEIR SETTLEMENT IN MISSISSIPPI AND THE ORIGIN OF THEIR MOUNDS.

BY GIDEON LINCECUM.<sup>1</sup>

The chief halted the advance body of Choctaws on a little river to wait until scouts could be sent forward to explore the region of country round about; and to give time for the aged and feeble and those who were overloaded to come up. Many of the families were loaded with so many of the bones of their deceased relatives that they could carry nothing else, and they got along very slowly. At this stage of their long journey, there were a greater number of skeletons being packed along by the people, than there were of the living. The smallest families were heaviest loaded; and such were their adoration and affections for these dry bones, that before they could consent to leave them on the way, they would, having more bones than they could pack at one load, carry forward a part of them half a day's journey, and returning for the remainder, bring them up the next day. By this double traveling over the route, they were soon left a great distance in the rear. They would have preferred to die and rot with these bones in the wilderness, sooner than leave them behind.

The minko looked upon the notions of the people in regard to the extraordinary and overwhelming burthen of bones as a great evil; and he cast in his mind for some plausible excuse to rid the people of a burthen that was as useless as it was oppressive to them.

And now the scouts had returned, and the reports they made of quite an extensive excursion were very favorable and encouraging. They stated that everywhere, and in all directions, they found game of all sorts, fish and fowl and fruits in abundance; tall trees and running brooks; altogether they looked upon

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<sup>1</sup> An autobiography of Dr. Lincecum will be found in another part of this volume. See *Supra*.—EDITOR.

it as the most desirable and plentiful region they had found during their pilgrimage. They also stated, that the most convenient place they had found, for a winter encampment, lay in a southeasterly direction at the junction of three large creeks, which coming together at the same point, formed an immense lowland, and a considerable river. In the fork of the first and the middle creeks lay an extensive range of dry, good lands, covered with tall trees of various kinds, grapes, nuts, and acorns; and rivulets (*bok ushi*) of running water. For the multitude, it was distant eight or ten days' travel, and the route would be less and less difficult to that place.

At the rising of the sun on the ensuing morning, the leader's pole was observed to be inclining to the southeast, and the people were moving off quite early. The nights were becoming cooler, and they desired to have time to prepare shelter before the winter rains should commence. The chief, with the *Isht Ahullo*, who carried the sacred pole, went in front, and being good walkers, they traveled rapidly until they came to the place which had been designated. Great numbers of the stronger and more athletic people came up the same day.

Early on the next morning the chief went to observe the leader's pole, which, at the moment of sunrise, danced and punched itself deeper into the ground; and after some time settled in a perpendicular position, without having nodded or bowed in any direction. Seeing which the chief said, "It is well. We have arrived at our winter encampment." He gave instructions to the tool carriers to lay off the encampment for the *iksas* and mark on the posts their appropriate symbols. He ordered them to allow sufficient space for the *iksas*, having particular regard to the watering places.

It was several days before the people had all reached the encampment. Those who were packing the double loads of bones came in several days later, and they complained of being greatly fatigued. They mourned and said,

"The bad spirit has killed our kindred; to pack their bones any further will kill us, and we shall have no name amongst the *iksas* of this great nation. Oh! when will this long journey come to an end?"

There were plenty of pine and cypress trees and palmetto; and in a short time the people had constructed sufficient tents to

shelter themselves from the rain. Their hunters with but little labor supplied the camps with plenty of bear meat; and the women and children collected quantities of acorns and oksak kapko, and kapun. (large hickory nuts, and scaly barks.) It was an extremely plentiful land, and the whole people were rejoicing at the prospects for a pleasant and bountiful winter. Their camps being completed, the chief gave instructions, to have sufficient ground prepared to plant what seed corn might be found in the camps. Search was made by Isi maleli (running deer) for the corn. He found a few ears only; they had been preserved by the very old people, who had no teeth. The corn they found was two years old, and they were very much afraid that it was dead. The minko, suggested to Isi maleli, that as the tool carriers had iron implements with which to break the ground, it would be best to detail a sufficient number of them, to prepare ground to grow it. So the minko called out twenty of the tool carriers for the purpose, and appointed the wise Isi maleli, to direct them, and to select the soil for growing the corn properly, and to preserve it when it matured.

One end or side of the encampment, lay along the elevated ground—bordering the low lands on the west side of the middle creek. Just above the uppermost camps, and overhanging the creek, was a steep little hill with a hole in one side. As it leaned towards the creek, the people called it the leaning hill (nunih waya). From this little hill the encampment took its name, “Nuni Waya,” by which name it is known to this day.

The whole people were healthy at Nunih Waya. Full of life and cheerfulness, they danced and played a great deal. Their scouts had made wide excursions around the encampment, and finding no signs of the enemy in any direction, they consoled themselves with the idea, that they had traveled beyond his reach. The scouts and hunters, on returning into camps, from their exploring expeditions, were often heard to say,

“The plentiful, fruitful land of tall trees and running waters, spoken of by our great and wise chiefs, who saw it in a vision of the night, is found. We have found the land of plenty, and our great journey is at an end.”

They passed through their first winter at Nunih Waya quite pleasantly. Spring opened finely. Their few ears of corn came



up well and grew off wonderfully. The creeks were full of fish, and the mornings rang with the turkeys and singing birds. The woods everywhere were full of buffalo, bear, deer and elks; everything that could be wished for was there, and easily procured. All were filled with gladness.

And when the time for the green corn dance was near, the hunters brought into the camps wonderful quantities of fat meat, and they celebrated this dance five days. They did not eat of their corn, but that it might be properly called the green corn dance, they erected a pine pole in the center of the dance ground, and upon this they suspended a single ear of green corn.

When they had finished this, their forty-third green corn dance in the wilderness, the people began to be concerned as to the probabilities of their having to journey further. Many of them declared that if the sacred pole should indicate a removal, it would be impossible for them to go farther, on account of the great number of bones that had accumulated on their long journey. They could not carry the bones, neither could they think of leaving them behind.

The chief had for sometime been considering the great inconvenience the marvelous amount of bones had become to the nation. He knew very well, the feelings of the people on the subject, and how difficult it would be to get them to consent to abandon the useless encumbrance. He could see very plainly, that should they have to go further, a portion of the people, under their present impressions in regard to the dry bones, would be most certainly left behind. On hearing the murmuring suggestions of so many of the people, every day, about the bones of their deceased relatives, and the sacred duty incumbent on the living to preserve and take care of them, he was convinced that the subject must be approached with caution. Yet, the oppressive, progress-checking nature of the burdens was such that they must be disposed of in some way.

He called a council of the leaders of the iksas, and in a very prudent and cautious manner, consulted them in behalf of the suffering people, enquiring of them at the same time, if it was possible to invent any means that would aid them in the transportation of their enormous packs of useless dry bones. It was

a subject they had not before thought of, and they required a day or two to make up their minds.

Time was granted to them, and in the meantime the minko convened with many of the people about it.

The council met again, and there was some discussion, but nothing conclusive. They were loath to speak of the bones of their deceased friends and relatives. They had packed their bones a great ways, and for years; but there had been no conversation, no consultation, on the subject. There were among the young people, many who were carrying heavy packs of bones, who had never heard, and who really did not know whose bones they were carrying. They had grown up with the bones on their backs, and had packed them faithfully, but never having heard the name of their original owners, they could tell nothing, nor did they know anything about them. That the spirits hovered about their bones to see that they were respectfully cared for; and that they would be offended and punished with bad luck, sickness, or even death for indignities, or neglect of their bones, every one knew. It was a great indignity to the spirits to repeat the names they were known by during their mundane existence. The greater part of the living who were then in the camp, had been born and reared in the wilderness, and were still packing the bones of those who had lived long before and of whom they knew nothing. Yet they worried along with heavy loads of these dry bones on their journey, in good faith, and a full belief of its necessity as a sacred duty. The leaders of the iksas, who were now in council, were carrying heavy loads of bones themselves which they could not consent to part with; and they esteemed it a subject of too much delicacy to be caviled about in a council. They did not wish to say anything further about it, anyway.

One of the Isht ahullos, who was an old man, and who had long been a secret teacher, among the women and children, on the nature and wants of the Spirit world and the causes that made it necessary to pack the bones of the dead, arose from his seat and said:

"Some people can make very light talk about the bones of our deceased friends and relatives. Those sacred relics of our loved ones, who have passed away from our sight are to be irreverently stigmatized by the name of 'oppressive burthen,' 'useless incumbrance,' and the like. Awful! And

it was our chief who could dare to apply the uncivil epithet to the precious and far-fetched treasures. From all these things, I am forced, unwillingly, to infer that the next thing the chief has to propose for your consideration will be for you to cast away this 'oppressive burthen.' Shameful! (Hofahya.) This thing must not be. This people must not cast away the precious remains of the fathers and mothers of this nation. They are charged by the spirits, who are hovering thick around us now, to take care of them; and carry them whithersoever the nation moves. And this we must not, we dare not fail to do. Were we to cast away the bones of our fathers, mothers, brothers, sisters, for the wild dogs to gnaw in the wilderness, our hunters could kill no more meat; hunger and disease would follow; then confusion and death would come; and the wild dogs would become fat on the unscaffolded carcasses of this unfeeling nation of forgetful people. The vengeance of the offended spirits would be poured out upon this foolish nation."

The council before which the Isht ahullo made this appeal to the religious sentiment of the tribe was only an assembly of the leaders of the iksas. The people were not present, and did not hear it. The chief, however, was fully apprised of the secret action of these bad men; and to counteract their dark and mischievous influence on the minds of the people, he dismissed the Isht ahullos, and leaders of the iksas, with a severe reprimand, telling them plainly that he had no further business for them to attend to. Then turning to the Isht ahullo, and at the same time pointing at him with an arrow, said:

"When you again get in council with the lazy, bad hearted men to which you belong, tell them that the time has come when you must be cautious how you meddle with the affairs of this nation. Hear my words."

The minko, returning to his tent, sent for Long Arrow, to whom he communicated his designs as to the disposition of the dry bones; after which he directed him to send the tool carriers to the iksas, and instruct them to summon every man, woman and child, except the leaders of the clans and the conjurers of all grades. The minko said:

"Tell the people to assemble at the dance ground early in the day, tomorrow. I wish to consult them on important national business. Let the people, except those I have named, all know it before they sleep."

In accordance with the notice sent by the chief, the entire tribe male and female, old and young, except the yushpakammi and the leaders came. These were not found in the great assembly. But the healthy, clean washed, bright, cheerful people were all present, and seated at the time the minko came to his place on the council ground.



The minko looked around on the multitude, and very calmly speaking, addressed them as follows :

"It is to you my brothers, my sisters, my countrymen, that I wish to declare my thoughts this day. I look around upon the bright, cheerful countenance of the multitude and I feel assured that you will hear my words; and that you will hearken to my counsels. You are a great people, a wonderful people, a people of strength, of unparalleled courage and untiring, patient industry. Your goodness of heart has caused you to work and hunt, far beyond the needs of your families, to gain a surplus, to feed a lazy, gluttonous set of hangers on, whose aim it is to misdirect you, whose counsels are all false, and whose greatest desire is confusion and discord amongst this peaceful, happy people. I know the meaning of my words. I speak them boldly and intentionally, I do not catch you in a corner, one at a time, and secretly communicate to you messages from the spirit land; packing you with enormous and insupportable burthens, to gratify wicked and discontented spirits, who are, as you are told, hovering about the camps, threatening mischief. But I call you all in general council and standing up in this bright sunlight, with every eye upon me, and declare in language that cannot be mistaken, words of wisdom and truth. I bring no message from the spirit land. I declare to you the needs and interests of the living. I have no visions of the night; no communications from the discontented spirits, who it is said are hovering around our camps, threatening disaster and death to the living, out of spite for having been rejected from the good hunting ground, to tell you of; but openly, in this bright day, I communicate to you, in deepest solicitude, the long cherished thoughts of a live man; which, when fully carried out, cannot fail to establish peace, harmony, concord and much gladness to this great live nation. I speak not to the dead; for they cannot hear my words. I speak not to please or to benefit the dead; there is nought I can do or say, that can by any possibility reach their condition. I speak to the living for the advancement and well being of this great, vigorous, live multitude. Hear my words.

"From new motions and indications made by the sacred pole, which I had never witnessed before, I was led to conclude that our forty-three years' journey in an unknown country had come to its termination. And to avoid hindering and annoying the whole people with what I had on my mind to be considered, I called, yesterday (pilashash) a council of the leaders of the iksas, and all the conjurers, for the purpose of examining and deciding on the most prudent course to pursue, in case it should be finally ascertained, that the leader's pole had settled permanently.

"They all came, and after hearing my propositions, they put on wise faces, talked a great deal of the unhappy spirits of our dead friends, of their wants and desires, and of the great dangers that would befall the people, if they failed to obey the unreasonable demands made by the spirits, through the lazy Isht ahullos, conjurers and dreamers, who, according to their own words, are the only men through which the spirits can make manifest to the nation their burthensome and hurtful desires. Finding that they had nothing to say, nor did they even surmise anything on the subject of the affairs and interests of the living, I dismissed them as ignorant of, and enemies to the rights of the people, and, therefore, improper agents for the transaction of their business. They were dismissed on account of their secret, malicious designs on the people, and their inefficiency in the councils of the nation. I immediately sent out runners to convene the people in general council to-day. You are all here, except the secret mongers, and the leaders of the clans, whose mouths and tongues have been tied up by the Isht ahullo and yushpakammi. The nation is present to hear my words; in them there is no secret or hidden meaning.

You will all hear them, and let everyone, who is a man, open his mouth this clear day, and openly and fearlessly pour out his full and undisguised feelings on the topics which will be presented.

"From signs which I have just named, I conclude, and I find it the prevailing impression of this multitude of self-sustaining people, that our long journey of privations and dangers in the pathless wilderness has ended. We are now in the land of tall trees and running waters, of fruit, game of many kinds and fish and fowl, which was spoken of by our good chief, who is missing, in the far off country towards the setting sun. His words have come to pass. Our journey is at an end, and we shall grow to be a nation of happy people in this fruitful land.

"Let us now, like a sensible people, put the nation in a suitable condition for the free enjoyment of the inexhaustible bounties that have been so lavishly spread in this vast country for the use and benefit of this multitude. Let us lay aside all useless encumbrance, that we may freely circulate, with our families in this widely extended land, with no burthen to pack, but such as are necessary to sustain life and comfort to our wives and little ones. Let us call this place; this, Nunih Waya encampment, our home; and it shall be so, that when a man, at his hunting camp, in the distant forests, shall be asked for his home place, his answer will be, 'Nunih Waya.' And to establish Nunih Waya more especially as our permanent home, the place to which when we are far away, our thoughts may return with feelings of delight and respectful pleasure, I propose that we shall by general consent and mutual good feelings select an eligible location within the limits of the encampment and there, in the most respectful manner, bring together and pile up in beautiful and tasteful style the vast amount of bones we have packed so far and with which many of the people have been so grievously oppressed. Let each set of bones remain in its sack, and after the sacks are closely and neatly piled up, let them be thickly covered over with cypress bark. After this, to appease and satisfy the spirits of our deceased relatives, our blood kin, let all persons, old and young, great and small, manifest their respect for the dead, by their energy and industry in carrying dirt to cover them up, and let the work of carrying and piling earth upon them be continued until every heart is satisfied. These bones, as we all know, are of the same iska, the same kindred. They were all the same flesh and blood; and for us to pile their bones all in the same heap and securely cover them up will be more pleasing to the spirits, than it will be to let them remain amongst the people, to be scattered over the plains, when the sacks wear out in the hands of another generation who will know but little and care less about them.

"You have heard my talk. I have delivered to you the true sentiments of my heart. When it comes to my time to depart for the spirit land, I shall be proud to know that my bones had been respectfully deposited in the great mound with those of my kindred. What says the nation?"

Some little time elapsed; and there was no move among them. The multitude seemed to reflect. At length, a good looking man of about sixty winters, arose in a dignified manner, from his seat, and gravely said:

"It was in my boyhood, and on the little river where we had the great fish feast, that my much respected father died. His family remained and mourned a whole moon, and when the cry-poles were pulled down, and the feast and dance had ended, my mother having a young child to carry, it fell to my lot, being the next largest member of the family, to pack on the long journey, the bones of my father. I have carefully carried them over hardships and difficulties, from that little rocky river to the present en-



campment. Such has been my love and respect for these sacred relics, that I was ready at any time to have sacrificed my life sooner than I would have left them, or given them up to another. I am now growing old; and with my declining years come new thoughts. Not long hence, I too must die. I ask myself, who in the coming generations will remember and respect the bones of my father? Will they not be forgotten and scattered to bleach and moulder on the carelessly trodden plain? I have sought with a heart full of anxious sorrow, for a decent and satisfactory resting place, in which to deposit the bones of my long lost father. I could think of none. And I dare assert, that there are thousands in hearing of my voice, at this very moment, whose faithful hearts have asked the same embarrassing questions. I am happy in the acknowledgement, and I trust with much confidence, that the whole people will view this important matter in the same satisfactory light. The wise propositions of our worthy chief have answered perplexing questions and have fully relieved the unsettled workings of many anxious hearts.

"It is true, as our wise chief has already suggested, that we can now witness the wonderful and never before heard of sight of a live nation packing on their backs an entire dead nation, our dead outnumbering the living. It is a pleasure to me, now that my eyes have been opened by the chief's proposition to the propriety of placing these relics of the dead nation to themselves, that we have power and time to do as he suggests, and most reverently to secure them from being tumbled among our greasy packs, and from the occasional dropping of the precious bones, through the holes in the worn-out sacks to be lost forever. Let us, in accordance with the wise and reasonable proposition of our minko, fetch all the sacred relics to one place; pile them up in a comely heap; and construct a mound of earth upon them, that shall protect them from all harm forever."

And the people rose up and with one voice, said, "It is well; we are content."

The minko stood up again and said that in that great multitude there might be some whose feelings in regard to the disposition of the bones of their dead friends would not permit them to pile them with the dead nation. Then they all shouted aloud, "It is good, it is satisfactory."

Men were then appointed to select an appropriate place for the mound to be erected on, and to direct the work while in progress. They selected a level piece of sandy land, not far from the middle creek; laid it off in an oblong square and raised the foundation, by piling up earth which they dug up some distance to the north of the foundation. It was raised and made level as high as a man's head and beat down very hard. It was then floored with cypress bark before the work of placing the sacks of bones commenced. The people gladly brought forward and deposited their bones until there were none left. The bones, of themselves, had built up an immense mound. They brought the cypress bark, which was neatly placed on, till the bone sacks were all closely



covered in, as dry as a tent. While the tool carriers were working with the bark, women and children and all the men, except the hunters, carried earth continually, until the bark was all covered from sight constituting a mound half as high as the tallest forest tree.

The minko kindled the council fire, and, calling an assembly of the people, told them that the work on the great monumental grave had been prosecuted with skill and wonderful industry. He said that the respect which they had already manifested for the deceased relatives was very great; that notwithstanding the bones were already deeply and securely covered up, the work was not yet completed. Yet it was sufficiently so to allow them to suspend operations for a season. Winter was drawing near; the acorns and nuts were beginning to fall and were wasting. The people must now scatter into the forests and collect the rich autumnal fruits which are showering down from every tree. That done, the people must return to the encampment; and as the tool carriers have produced seed corn enough for all to have a little field, each family must prepare ground for that purpose. Then, after the corn is grown and the new corn feast and dance is celebrated and over, the nation can again prosecute the work on the mound, and so on, from year to year, until the top of the great grave of the dead nation shall be as high as the tallest forest tree. And it shall be made level on the top as much as sixty steps (*habli*) in length, and thirty steps in width,<sup>2</sup> all beat down hard, and planted thick with acorns, nuts and pine seeds. "Remember my words," said the chief, "and finish the work accordingly. Now go and prepare for winter."

And the people gladly dispersed into the distant forests. Fruit was found in great quantities and was collected and brought into camp in very large amounts,—acorns, hickory nuts, and most and best of all, the *otupi* (chestnuts), all of which was secured from the worms by the process of drying them by smoke and incasing them in small quantities in airtight mud cells, in the same manner, that the mud daubers (*lukchuk chanskik*) pre-

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<sup>2</sup>I visited this celebrated mound in 1843. I found it rounded off, oblong square, 200 yards in circumference at its base; 80 feet in height, with a flat space on the top 52 yards in length by 25 yards in width, the whole mound was thickly set with large forest trees. 200 yards to the north of it is a lake, which I suppose to be the place whence they carried the earth to construct the mound.

serve their spiders. Their hunters were very successful; and at midwinter, when all the clans had returned to their camps, they found themselves rich in their supplies of so many things that were good for food, they concluded that as the best way of expressing their unfeigned gratitude (*yokohe ahni*) to the great sun they would celebrate a grand, glad feast, and joyous dance, before they commenced the work of clearing and breaking ground for their cornfields. So they cleaned out the dance ground, and planted the pole with the golden sun in the center of it. The people collected and, with much joy and gladness of heart, feasted and danced five days.

The amount of ground necessary to plant what corn they had was small, and was soon planted. Then having nothing else to be working at, a thoughtful old man, pointing to the great unfinished mound (*yokni chishinto*) said, "the weather is cool and pleasant, and the grave of your dead kindred is only half as high as a tall tree." Taking the timely suggestion of the man, thousands went to work, carrying dirt to the great mound. Afterwards, it became an honorable thing to carry and deposit earth on the mound at any time they were not engaged at work in their domestic vocations.

The winter over, spring with its green foliage and singing birds and its grand flourish of gobbling turkeys came slowly on. Corn was planted and the companies of hunters went forth. The camps were healthy. Those who were planting soon finished it, and engaged actively forthwith in throwing earth upon the already huge mound. Their corn flourished well, producing enough, after preserving a portion of their fields for seed, to supply a full feast for the green corn dance.

At the Nunih Waya encampment, everything went well and there were no complaints. Their hunters made wide excursions, acquainted themselves with the geography of the country to the extent of many days' journey around. But, as yet, they had discovered no signs of the enemy, or of any other people. In this happy condition of health and plenty—for they had enlarged their fields and were harvesting abundant crops of corn—years rolled round; the work on the mound was regularly prosecuted; and at the eighth green corn dance celebrated at Nunih Waya, the committee who had been appointed at the commence-

ment, reported to the assembled multitude that the work was completed and the mound planted with the seeds of the forest trees, in accordance with the plan and direction of the minko, at the beginning of the work.

The minko then instructed the good old Lopina, who had carried it so many years, to take the golden sun to the top of the great mound and plant it in the center of the level top.

When the people beheld the golden emblem of the sun glittering on the top of the great work which, by the united labor of their own hands, had just been accomplished, they were filled with joy and much gladness. And in their songs at the feast, which was then going on, they would sing:

"Behold the wonderful work of our hands; and let us be glad. Look upon the great mound; its top is above the trees, and its black shadow lies on the ground, a bowshot. It is surmounted by the golden emblem of the sun; its glitter (tohpakali) dazzles the eyes of the multitude. It inhumes the bones of fathers and relatives; they died on our sojourn in the wilderness. They died in a far off wild country; they rest at Nunih Waya. Our journey lasted many winters; it ends at Nunih Waya."

The feast and the dance, as was the custom, continued five days. After this, in place of the long feast, the minko directed that, as a mark of respect due to the fathers and mothers and brothers and sisters, for whom they had with so much labor prepared such a beautiful and wonderfully high monumental grave, each iksa should come to the mound and, setting up an ornamental pole for each clan, hold a solemn cry a whole moon. Then, to appease the restless spirits of the deceased nation and satisfy all the men and women with what they had done with the sacred relics of their dead, the Choctaws held a grand and joyous national dance and feast of two days. And returning to their tents, they remembered their grief no more.

All the people said that their great chief was full of wisdom; that his heart was with the people; and that his counsels had led them in the clean and white paths of safety and peace. Each of the iksas selected very tall pine poles, which they peeled and made white and ornamented with festoons of evergreens and flowers. Then in most solemn form, they performed the cry three times every day, during one whole moon. Then at the great national pole pulling, they celebrated a grand feast and dance of two days. The rejoicing of the nation was very great,



and they returned to their camps with glad hearts, remembering their sorrows no more.

Afterward, when a death occurred, and the bones had been properly cleansed, they were deposited in a great cavity which had been constructed for that purpose, as the work of the mound was progressing. It was the national sepulchral vault; and thither the bones of all the people that died at Nunih Waya were carried and neatly stored away in dressed leather sacks. Thus arose the custom of burying the dead in the great monumental sepulchre. And when a member of a hunting party of more than two men or a family died, too far out in the forest to pack home the bones, which could not be cleaned in the woods,—for the bone pickers never went hunting—it was deemed sufficient to appease the wandering spirit to place all his hunting implements close to the dead body, just as death had left it. In such cases it was not lawful to touch the dead, and they were covered with a mound of earth thirty steps in circumference and as high as a man's head. If death occurred at the camp of an individual family in the far off hunt, the survivors would, during the cry moon, carry, in cane baskets and the blade bones of the buffalo, a sufficient amount of earth to construct a mound of the above dimensions. If there should be but two men at a camp, or a lone man and his wife, and one should die, the survivor had to carry the dead body home. Life for life, was the law; and every life had to be accounted for in a satisfactory manner. It would not answer for a man to return home and report that his hunting companion or his wife had been lost or drowned, devoured by wild beasts or died a natural death. He must show the body. There are occasionally found among the great number of tumuli scattered over the land, mounds of larger dimensions than ordinary ones. These mounds were constructed by females. Upon the death in camp of a man who had an affectionate wife, his mourning tekchi (wife), regardless of the customary time to cry, would throw down her hair and with all her strength and that of her children would carry earth, and build upon the mound as long as they could find food of any kind that would sustain life. They would then return to camp, worn out skeletons.

Now, my white friend, I have explained to you the origin,

and who it was that built the great number of mounds that are found scattered over this wide land. The circular, conic mounds are all graves, and mark the spot where the persons, for whom they were built, breathed their last breath. There being no bone pickers at the hunting camps to handle the dead, the body was never touched, or moved from the death posture. Just as it lay, or sat, as the case might be, it was covered up, first with either stones, pebbles, or sand, and finished off with earth. In this way the custom of mound graves originated from the great mound graves, Nunih Waya, and it prevailed with the Choctaw people until the white man came with his destructive, sense-killing "fire water," and made the people all drunk.

After getting in possession of this information, in regard to the origin and make of the mounds, I took pains to excavate quite a number of them, which were found on the "second flat" along the Tombecbee river. They contained invariably a single human skeleton. The bones generally, except the skull, were decomposed. The crania of most of them would bear handling, when first taken out, but when exposed to the air they too soon fell to ashes. Along with the ashes of the bones, in most cases, would be found five or six arrow points, a stone ax, and not infrequently a stone skin-dresser. In all cases, the bones would be found enveloped, sometimes lying on the side, feet drawn up; at other times in a sitting posture, either in sand, pebbles, or small stones. In one or two cases, the coals and the charred ends of the pine knots that lighted up the last sad night of the deceased, lay in front and near the bones, under the sand.

As soon as the national cry was over, the poles pulled down, and the great dance celebrated, the families dispersed into the far off hunting grounds where they enjoyed the game and fruits, until midwinter; when they returned to their homes to prepare and put their fields in order for the coming planting time. The seasons at Nunih Waya were good every year; and they had on hand corn in abundance. Their mode of putting it away, in small lots, in air tight earthen cells, preserved it, from year to year, for an indefinite period, as sound and as fresh as new corn. To keep it dry and entirely excluded from the air, was all that was necessary, to preserve it for any length of time, in the same condition in which it was when put up.

Feeling themselves permanently settled after the mound was completed, they planted larger crops and were beginning to construct good, dry houses in which to dwell. The next year after the mound was finished, having a very large crop of corn, they celebrated the green corn dance, eating nothing besides the corn. On the first day of the feast, and at the time the people had assembled to receive instructions in regard to the manner of conducting the ceremonies, the minko came upon the dance ground, and calling the attention of the multitude said:

"We are a brave and exceedingly prosperous people. We are an industrious people. We till the ground in large fields, thereby producing sustenance for this great nation. We are a faithful and dutiful people. We packed the bones of our ancestors on our backs, in the wilderness, forty-three winters, and at the end of our long journey piled up to their memory a monument that overshadows the land like a great mountain. We are a strong, hardy, and very shifty people. When we set out from the land of our fathers, the Chata tribe numbered a little less than nineteen thousand. We have traveled over a pathless wilderness, beset with rocks, high mountains, sun-scorched plains, with dried up rivers of bitter waters; timbered lands and mighty streams of swift waters; dark shadowy lowlands, full of lakes and ferocious wild beasts. Bravely we have battled and triumphed over all. We have not failed, but are safely located in the rich and fruitful land of tall trees and running brooks seen in a vision of the night, and described by our good chief who is missing. And we number now a little more than twenty-one thousand. Assuredly we are a wonderful people. A people of great power. A united, friendly people. We are irresistibly strong (hlampko)."

Then turning and pointing with his hand, he said:

"Behold the sacred pole, the gift of the Great Spirit. To it we are to attribute all our success. When the enemy pursued on our track, its truthful indications gave us timely notice to escape from danger. When we wavered in the trackless desert it leaned and led us onward in the paths of safety. When we reached the swift, wide river, it bowed its ominous head; we crossed to Nunih Waya. Here it danced and made many motions, but did not indicate for us to go further. As a leading light to our feet and as a great power, it has conducted us from the far distant West (hush ai akatula) to the rising sun; to the land of safety and plenty. It is a sacred relic of our pilgrimage in the unknown regions. As such we must preserve it for the coming generations to see and remember the potent leader of their fathers in the wilderness. It is proposed by the wise Isht ahullo, who has faithfully carried the sacred pole ever since the virtuous and ingenious Peni ikbi died, that a circular mound, forty steps in circumference at the base, as high as once and a half the length of the sacred pole, be erected eastward from the great monument, on the high ground towards the middle creek; and that inasmuch as your good, lazy Isht ahullos, yushpakammi, dreamers, spirit talkers and medicine men, did not find it convenient to assist you in the construction of the great monument for the dead nation, let them be required to construct with their own hands, this mound for the leader's pole to rest on. They pretend to be always dealing with spirits and sacred things, and no other men should be allowed to work on the mound, that is to constitute a resting place for the sacred pole. The work must



be performed and finished by the sacred conjurers, in accordance with the plan and directions of the wise Isht ahullo, who carries the leader's pole, and who is this day appointed to superintend the work."

The pole-bearing Isht ahullo, marked off the ground, and placing the sacred pole in the center of it, summoned the whole of the conjurers and sorcerers to commence the work. They came, but they were so extremely awkward and lazy that the work progressed quite slowly. The Isht ahullo, who was superintendent of the work, exerted his whole power to encourage them to facilitate the building of the mound. It was all to no effect. They grumbled from morning till night and moved so slowly at their work, that a child could have done as much work as they accomplished in a day. The superintendent shortened their daily supply of food. They did less work and grumbled more. He made their daily food still less. They, with but few exceptions, ran off into the woods, and scattering themselves among the camps of the hunters, sponged upon them until the hunters, becoming tired of them, drove them from their camps like dogs. They returned to Nunih Waya, but did not resume their work. The superintendent of the work complained to the chief. The chief called the tool carriers and instructed them to go out, and select a piece of land, that would not interfere with the claims of the iksas; lay out a plot of land, twenty steps square for each one of the yushpakammi, who is not found engaged at work on the mound; and set the idle conjurers to work on it, preparing the ground to plant corn. We are settled permanently now, and every member of the nation, who is healthy, must perform sufficient labor to produce, at least, as much food and raiment as he consumes. This people shall not labor and sweat to support a lazy, heartless set of men, whose only duty is falsehood, and whose influence disturbs the quiet of the nation.

The tool carriers laid off the little plats of land, but the conjurers paid no attention to the order for them to work it. The chief then appointed a day for the people to meet in council for the purpose of taking into consideration the bad character of these lazy men and the demoralizing influence they exerted in the nation. The whole number of the conjurers were also summoned to attend the council and defend their right to enjoy all the privilege of the camps, with entire exemption from labor or any visible calling.

On the day appointed for the council, all the people who were out hunting came. But of the spirit talkers and conjurers, there were not exceeding thirty in the assembly, and they were all known to be industrious men. Messengers were sent to warn them to the council. They were not to be found in the camps; and it was discovered that a great number of women were missing. The assembly immediately broke up and parties were sent out to capture and bring home the women at least.

After several days diligent search, the parties all returned and reported that the conjurers must have gone off on the wind; for they could discover no trace nor sign of them in any direction. Nor did they ever know certainly what went with them.

At the time this thing occurred there were so many people absent from the encampment that they were unable to make an estimate of the number that were missing but from the number of children, left without mothers in the camp, it was known to be very considerable. As far as could be ascertained, they were the wives of men, without exception, who were out hunting. It was distressing to see the great number of small children who were running to and fro in the camps, and to hear their incessant lament. "Sa ishka muto" (Where is my mother) was heard in all directions. They were mostly small children, and generally of young mothers who had abandoned both them and their absent husbands and run off with the lazy conjuring priests and medicine men.

At midwinter, when the hunting parties had all returned, an effort was made to ascertain the number of women who had left their families to follow the conjurers and priests. From the best computation they could make, the number was nearly two hundred, and it so much excited the bereaved husbands and the people generally, against the Isht ahullo and conjurers of every grade, that it was with much difficulty the minko found himself able to dissuade them from falling upon the few that were left, and who were faithfully at work on the mound. In their rage, they protested that the whole mass of lazy Isht ahullo, conjurers, spirit talkers, and medicine men were all alike, enemies to the men that fed them and seducers and prostitutes of the women who clothed them. They declared that there was no good in them, and that they ought not to live. This manifestation of the

low, gross nature of the priests and conjurers, depreciated their standing with the whole people. It sank them to a degree of infamy and suspicion from which they have never recovered. To this day they are pushed aside in decent company, and looked upon with scorn and contempt.

The Isht Ahullo, who was so long the bearer of the sacred pole, had always deported himself as a good, industrious man; and it was from his management that the investigation of their conduct, and the flights of the conjuring priests had been brought about. After a time with the small band of Isht ahullos that had been left, he completed the mound in good style, and planting the sacred pole permanently on its top, he desired the chief to call the nation to its examination, and if the work met with the approbation of the people, he wished them to receive it, and discharged him and his workmen from further duties in regard to the sacred pole.

When the people came, they gave their approbation of the comely proportions of the mound by a long continued shout. And by another uproarous shout congratulated themselves on the certainty that their long journey in the wilderness had most assuredly ended. At this, the sacred pole began jumping up and punching itself deeper and deeper into the ground, until it went down slowly out of sight into the mound. At witnessing the wonderful manifestation of the settling pole, there were no bounds to their rejoicings, and they danced and brought provisions, making a glad celebration that continued three days and nights on the occasion of the departing sacred pole.

Having sufficient ground cleared to produce as much bread as they needed, and a large surplus, the people had time to construct houses to dwell in and to keep their surplus provisions dry and safe. They constructed their houses of earth at Nunih Waya, and that fashion prevailed until the white people came to live in the nation with them.

The larger game was becoming scarcer and the hunters were extending their excursions wider. The people, however, were producing such abundant supplies of corn that they did not require a very great amount of meat and the hunters were extending their explorations more for the purpose of becoming acquainted with a wider range of country and for their own



satisfaction than from necessity. Time rolled on, the people were healthy, and had increased at a very great ratio. They had extended their settlements up the Nunih Waya creek, and out in the country between Nunih Waya and Tuli Hikia creeks, to half a day's journey; and they were growing corn over the entire district.

About thirty winters after they had stopped at Nunih Waya, a party of hunters who had progressed a little further north than usual, fell in with a camp of hunters belonging to the Chickasha tribe. After finding that they spoke the same language with themselves, the Chahtas approached their camp in a friendly manner, and remained several days. The older men amongst them being familiar with the traditional history of the journeyings of their respective tribes, took much pleasure in communicating to each other an account of their travels. From the point where the two tribes separated, the Chickashas diverged widely to the left, found an extremely rough and scarce country for some time, but at length emerging from the mountains on to the wide spread plains, they found the buffalo and other game plentiful. They continued to travel, with only an occasional halt, to rest the women and feeble ones, until they came to the great river, at the place called by them, sakti ahlopulli (bluff crossing)—white people call it now Chickasaw Bluffs, said the old man. They made shift to cross the great river, and traveling onward, the leader's pole came to a stand at a place now called Chickasha Old Town in a high and beautiful country. The leader's pole stood at this place three winters, at the end of which time the pole was found leaning to the northeast. They set out again, and crossed another big river (little prairie, near Huntsville, Alabama). The pole remained there erect only one winter. At mulberry time the ensuing summer the pole was found leaning almost directly to the south. They packed up, and crossing many bold running rivers, the pole still leading onward, until they came to a large river, near where it emptied into the great okhuta (ocean). At this beautiful country (below where Savannah, Georgia, now stands) the pole stood erect many winters. The fish, opa haksum, oka folush (oysters, clams) and all manner of shell fish and fowl, and small game were plentiful. The people obtained full supplies of provisions with but little

labor. In the process of time, however, the people became sickly, and they were visited with a very great plague. They called the plague *hoita lusa* (black vomit) because the people died, vomiting black matter, resembling powdered fire coals and fish slime. All that took it were sick but a day or two and died so fast that the people became frightened and ran off, leaving great numbers of the dead unburied. They followed the leader's pole back nearly over the same route they went, until finally they returned to the place where the pole made its first stand (Chickasha Old Towns). Here it stood again, and remained erect until it rotted.

After the Chahtas had found where their brother Chickashas had located, they paid occasional visits to their country. But the Chickashas becoming suspicious that the Chahtas were seeking some advantage, gave them orders not to extend their hunts north of a certain little river. The Chahtas paid no attention to the proclamation sent by the Chickashas, and it turned out that the Chickashas attacked and killed three or four of their hunters who had camped north of the interdicted river.

When the news reached Nunih Waya, the people were grieved; for they had felt proud of finding their Chickasha brethren and were preparing to cultivate their friendship. The minko, thinking it possible that there might be some mistake in the matter, sent an embassy to the chief of the Chickasha nation, to ascertain the cause of the murderous conduct of his hunters. The Chickasha chief ordered the Chahta embassy to be scourged and sent back with no other answer. The Chahtas were very much enraged. They had received an indignity that they could not account for; and they felt mortified in the extreme. The Chahta chief did not feel willing to go to war with them, and made up his mind to give orders to his hunters to abstain from hunting beyond the river named by the Chickashas. But before he had time to carry his peace plans into action, all the hunters north of Nunih Waya had been attacked at their camps on the hunting grounds. Great numbers of the men had been killed, and their women carried off captive. Those hunters who had escaped from the attacked camps reported that the Chickashas were very numerous, and that their warriors were very large and overpowering in battle. The present generation of the Chahta people had never seen any people but their own tribe; and the news of the

captured women, murdered hunters and the vast hordes of rushing irresistible warriors that were pouring down into their hunting grounds from the Chickasha country, had frightened the Chahta people into a fearful panic. Some of them had already proposed to evacuate their comfortable homes at Nunih Waya and seek some safer country for their wives and little ones to dwell in. But they did not ponder the matter long. The spies coming in, reported that great numbers of the Chickashas had their camps, and were killing up the game in two days' travel of Nunih Waya.

The Chahta minko kindled the council fire; and calling a national council, submitted for their consideration the whole matter of the Chikasha depredations; and called upon them to investigate the subject and decide on the proper course to pursue in the case. The people promptly assembled and were confessedly very much alarmed. Some of the young warriors moved that the Chahta people should rise at once and kill every Chickasha they could find within the limits of their hunting grounds. Others who were not quite so fiery thought that a precipitate move on the part of the Chahtas would only bring disaster, while there were others who advocated immediate flight as the only chance for safety.

At length, old Long Arrow, who had always been leader of the tool carriers, arose and said:

"I am old now, and cannot, if I desired, make much of a flight. I shall remain at Nunih Waya. My bones shall sleep in the great mound. I am also opposed to precipitate movements. Let us prepare plenty of arms and make systematic movements. Let us organize one hundred companies, with ten active men in each, and a prudent, brave warrior to lead each company. Let these hundred companies be sent forward immediately, with instructions to examine and ascertain the force and position of the enemy; but not to make battle, except when they are attacked. Let them stay a long time, and be seen in many places, as by accident, in the day time; but at night, let them scatter and sleep without fire in dark places. In the meantime, let all those who remain in the encampment go to work and throw up a high circular earth wall that shall include the two mounds and space enough to contain all the women and children, as well as the aged and infirm, in case of a siege. All this completed and all the corn and other provisions that can be had stored away inside of the great wall, we shall be ready to increase our forces; hunt down the enemy and scalp them wherever they may be found."

The multitude breathed easier and looked brighter. The minko then spoke to the people, giving them great encouragement. He said:



"The great war talk of the long tried friend of the people, Long Arrow, is full of wisdom, and his words brace the flagging spirits of the nation. His counsels lead to safety, and his instructions and plans to victory. Let the people not hesitate. Turn out your hundred companies of warriors. Send them out immediately. Appoint wise men to lay off and direct the work on the earth wall and let all that can carry a load of dirt as large as his head be found busily engaged from day to day, until the wall is completed. Be industrious. Let every one do his duty in this great work. Let all the people be brave and faithful and danger cannot approach you."

And the people answered and said :

"It is a good talk. Lay off the ground; we are ready for the work; it shall rise up as a cloud in a summer's day."

The companies were organized the same day and took their departure the next day. Men were appointed to lay off and superintend the work on the earthen wall. The people, old and young, stringing themselves around the entire circle, threw up the earth from the outside of the wall to the height of two men, in eight days. And they left two gaps in the wall, of five steps each. One at the east and the other at the west, for the ingress and egress of the people<sup>3</sup> which they did not intend to close until Nunih Waya should be actually invaded by the enemy.

The minko then organized his whole effective force and ordered them to make arrows and war clubs as fast as possible and bring them into the mound of the sacred pole, where he had a house erected, in which to deposit them.

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<sup>3</sup> I went all round this earth wall in 1843. It seemed to be a complete circle, and from one and a half to two miles in circumference, the southeastern portion cutting the bluff of Nunih Waya creek. Many places in the wall were still eight feet in height. The two gaps in the wall had never been filled up.

## CHICKASAW TRADITIONS, CUSTOMS, ETC.

BY HARRY WARREN.<sup>1</sup>

### I. CHICKASAW TERRITORY.

The soil of what is now known as the State of Mississippi was occupied in whole or in part by the Chickasaws, Choctaws, Natchez, Chokchoomas, Yazooos, Koroas, Tunicas, Pascagoulas, Biloxis, and other less known tribes.

The Indians of Mississippi belonged to the Muskogean (Muscogee) family, except the Natchez, who belonged to the Natchesean family, the Biloxis, who belonged to the Sioux family,<sup>2</sup> and the Tunicas (Tonicas), who belonged to a family by itself. The Tensas and Natchez belonged to the same family.<sup>3</sup> Generally speaking, the country stretching from the Savannah and the Atlantic to the Mississippi, and from the Gulf of Mexico to the Tennessee river was occupied by the Muskogean family, except some small portions, occupied by the Natches, Uchees, "and some small settlements" of the Shawanese.<sup>4</sup>

The northern portions of Mississippi and a part of the present State of Tennessee were the earliest homes of the Chickasaws<sup>5</sup> which history allows one to trace. In the 18th century Pontotoc county was the center of their habitation; later historians report that the Chickasaws had settlements on the Mississippi, in West

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<sup>1</sup> Harry Warren, son of Dr. Wm. C. Warren and Mary Jane (Bradford) Warren, was born in Waterford, Marshall county, Mississippi, July 17, 1859. He attended private and public schools in his native county until he entered the Preparatory Department of the University of Mississippi in the fall of 1875. He graduated from that University in June, 1881, with the degree of Bachelor of Philosophy. Since graduation he has been engaged principally in teaching, having followed that occupation since 1883. His postoffice address is Eagle Pass, Texas.—EDITOR.

<sup>2</sup> *7th Annual Report of the Bureau of Ethnology.*

<sup>3</sup> *7th Annual Report of the Bureau of Ethnology.*

<sup>4</sup> *Ibid.*

<sup>5</sup> Gatschet in 1886. Name Chicasa, pronounced by themselves and by many tribes west of Miss. river, Shikasa, Shikasha. Gatschet, *Mig. Leg. Cr.*

Tennessee, in Kentucky, and even up to the Ohio river. Adair gives the following:

"The Chikkasah country lies in about thirty-five degrees of N. Lat., at the distance of one hundred and sixty miles from the eastern side of the Mississippi \* \* \* \* \* about half way from Mobile to the Illinois.

"The Chikkasah are now [Adair's *Hist. N. A. Inds.* was published in London in 1775] settled between the heads of the two most western branches of Mobile river and within twelve miles of Tahrehatche [Tallahatchie, *rock creek*] \* \* \* \* \*. In 1720 they had four contiguous settlements, which lay nearby in the form of three parts of a square, only that the eastern side was five miles shorter than the western, with the open part toward the Choktah. One was Yaneka, about a mile wide and six miles long \* \* \* \* \*; another was ten miles long \* \* \* \* \* and from one to two miles broad. The towns were called Shatara, Chookheereso, Hykehah, Tuskawillao, and Phalacheho. The other square, Chookka Pharaah<sup>o</sup>, or 'the long house,' was single and ran four miles in length and one mile in breadth. It was more populous than their whole nation contains at present \* \* \* \* \* scarcely 450 warriors."

An historian of Tennessee tells us that before the Revolution,

"The Chickasaws held considerable possessions, for towns and fields, on the north side of the Tennessee. The 'Chickasaw Old Fields,' above Muscle Shoals, are well known; they had some small towns in the same section," etc.<sup>2</sup>

D. Coxe in his *Carolana* (1741) says:

"River of the Cusates, Cheraquees or Kasqui [Tennessee] river \* \* \* a cataract is on it, also the tribe of the Chicazas."<sup>3</sup>

July 23d, 1805, the Chickasaws ceded lands in Kentucky and Tennessee. Oct. 19, 1818, they ceded the remaining portion of their lands in those States. See *U. S. Statutes at Large, Ind. Treat.*

In customs the Chickasaws and Choctaws were very much alike, and their languages were nearly identically the same. The Chickasaw trade language was used as a medium of intercourse by the nations along the lower Mississippi. Lemoyne d' Iberville makes the following statements:

"Bayagoula, Ouma, Chicacha, Colapissa, show little difference in their language." "The Oumas, Bayougoulas, Theloël, Taensas, the Coloas, the

<sup>2</sup> Says one of the old writers, substantially: The Choctaws (a part of Bienville's force) precipitated an action at Schioulalay, "the first of the fortified villages which they reached." *Colonial Mobile*. This was the Battle of Ackia, where Bienville was badly whipped and retreated.

<sup>3</sup> Adair's *History of the North American Indians*.

<sup>4</sup> Putnam's *History of Middle Tennessee*. The reader should not confound these Chickasaw Old Fields with the Chickasaw Old Fields in Lee county, Miss., to the west of Tupelo.

<sup>5</sup> Coxe's *Carolana*.



Chycacha, the Napissa, the Ouachas, Choutymachas, Yagenechito, speak the same language and understand the Bilochy, the Pascouboula.”<sup>10</sup>

The country of the Chickasaws was bounded on the north by the Ohio, on the west by the Mississippi, on the east by a line from the Mussel Shoals of the Tennessee to the Cumberland. On the south it extended into the present State of Mississippi. The preferred abodes of the Chickasaws were in the country about the headwaters of the Tombigby and the Yazoo rivers. It is one of the finest countries as to natural conditions on the western continent, “where the grass is verdant in mid-winter; the blue-bird and the robin are heard in February; the springs of pure water gurgles up through the white sands, to flow through natural bowers of evergreen holly; and if the earth be but carelessly gashed to receive the kernel of maize, the thick corn springs abundantly from the fertile soil. The region is as happy as any beneath the sun; and the love which it inspired made its occupants, though not numerous, yet the most intrepid warriors of the south.”<sup>11</sup>

Piamingo,<sup>12</sup> or the Mountain Leader, as he was sometimes called, a very noted chief of the Chickasaws, in a celebrated conference with the whites, thus described the lands of his tribe:

“I will describe the boundaries of our lands. It begins on the Ohio at the ridge which divides the waters of Tennessee and Cumberland, and extends with that ridge, eastwardly, as far as the most eastern waters of Elk river; thence to the Tennessee, at an old field, where a part of the Chickasaws formerly lived, this line to be so run as to include all the waters of Elk river, thence across the Tennessee, and a neck of land, to Tenchacunda creek, a southern branch of the Tennessee, and up the same to its source; then to the waters of Tombigby, that is, to the west fork of Long Leaf Pine creek, and down it to the line of the Chickasaws and Choctaws, a little below the trading road.”<sup>13</sup>

These bounds were afterwards confirmed by a certificate delivered to the Chickasaws by President Washington.

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<sup>10</sup> Margry.

<sup>11</sup> Bancroft's *History of the United States*.

<sup>12</sup> His name was variously spelled as are many other Indian names.

<sup>13</sup> Piamingo, Aug., 1792, at the Nashville Conference, the U. S. represented by Blount and Pickens, at which were present some Chickasaw and Choctaw chiefs and some Cherokees. See *American State Papers, Indian Affairs*, Vol. I.

## II. MIGRATION LEGENDS.

Chickasaw tradition asserted that they came from the west, and that when they came thence they had ten thousand men able to go to war. According to Adair, the Chickasaws, Choctaws, and Chokchumas came, as one family, from the west. In time the Chokchumas, on account of war, were compelled to establish themselves between the Chickasaws and Choctaws.<sup>14</sup>

Molly Gunn, a Chickasaw woman, grandmother of Cyrus Harris,<sup>15</sup> who became Governor of the Chickasaws, in the Indian Territory, related to him the Chickasaw tradition of that tribe's journeying to Mississippi. Mr. Harris gave the author a manuscript copy of this tradition, translated from the language of

<sup>14</sup> Adair's *History of the North American Indians*.

<sup>15</sup> In a letter to the writer, written from Mill Creek, C. N., Aug. 10, 1881, Cyrus Harris writes as follows:

"Molly Gunn, my grandmother, was the wife of old man James Gunn, who died rich, leaving one child, Rhoda. She died two years ago on Red river at her half-sister's, who is my own aunt, a full sister to my mother and half sister to my Aunt Rhoda. My grandmother's first husband, my mother's father, was a Cherokee, named Oxberry. After his death she married old man James G. Gunn. Rhoda married Samuel Colbert, a nice man, but they separated and she married Joseph Potts, a white man. He died during the war [Civil War] by taking strychnine by mistake. He died here in my house. Aunt Rhoda has two sons living, Taylor and Joseph Potts. Her first child by Sam Colbert was a girl named Susan. She married and went off, and never has been heard of since.

"Malcolm McGee was my step-father. He had one daughter by my mother, and named her Jane. My sister Jane married Robt. Aldridge, a white man who lived near Tusculumbia, but after they came to this country [Indian Territory] he got so trifling she drove him off. He then went to Texas and died. They had one daughter, who is yet living. Jane afterwards married a nice gentleman by the name of William R. Guy, and soon after she and Mr. Guy were married they sent after sister Jane's father, old man McGee, and had him with them at Boggy Depot, Choctaw Nation [Indian Territory], but he, being very old, lived but a few months after getting there. I saw the old man die and was at his funeral. Old man McGee was a little over one hundred years old when he died. He was for a long time United States interpreter for the Chickasaws, and, it was said, he could beat the Chickasaws talking their own tongue.

"Mr. and Mrs. Guy had nine children when Mrs. Guy died at Boggy Depot. About one year from her demise, Mr. Guy died at Paris, Texas, being there on a visit. Their children are nearly all of them living in a quarter mile of my house."

Mr. Harris stated to the author in writing that he was born "3 miles south of Pontotoc," on Aug. 22, 1817; that Rev. T. C. Stuart was his first teacher; that he attended school in Giles county, Tenn., in 1830, came home in 1831; was elected Governor of the Chickasaws in 1856, and served them four terms of two years each. Let the judicious reader note the error in Mrs. Deupre's article in *Pub. Miss. Hist. Soc.* as to the relationship of Cyrus Harris to Molly Gunn.

Molly Gunn. He wrote that "she talked all Chickasaw." It reads as follows:

"The Chickasaws started east carrying with them a long pole, and at night the pole was stuck in the ground, erect. Next morning the pole would be found leaning towards the east, which they considered their guide, and would, from day to day, follow, or travel in the direction that the pole leant. Each morning this was continued until they reached the place that is known as the 'Chickasaw Old Fields'; by some it was called 'Old Town.' When they reached that place, at night, as usual, the pole was stuck in the ground as erect as they could possibly put it. On the following morning the leader of the party rose early as usual (the Chickasaws were early risers in those days.) On examining the pole he found it standing in the exact position that it was left the night before. He proclaimed to the party that they had reached their future home, and the party settled down and made that place their home. After this, the Creek Indians occasionally made war against the Chickasaws, but were always repulsed and driven away. They were after this encroached upon by the French, \* \* \* \* and several battles were fought; but the Chickasaws had a very large war-dog that always gave them warning when the enemy was approaching, and, in the heat of battle kept ahead of the Chickasaws, making heavy attacks on the enemy. By this assistance, the French generally got the worst of the fight. Now, Sir, this is all that I ever heard my old grandmother, Molly Gunn, relate in regard to our ancestors. The Chickasaw Old Town, or 'Old Fields,' is somewhere not far from Ripley or Tupelo. The road leading from Pontotoc to Tuscumbia, Ala., formerly ran through those 'Old Fields.' 'Old Town' in Chickasaw is Oklah Sepokny. Tishomingo should be spelled Tishu Minco, which means *warrior chief*."<sup>10</sup>

Rev. F. Patton who wrote some reminiscences of the Chickasaws and who acted as the amanuensis of Rev. T. C. Stewart, one of the early American teachers to the Chickasaws, relates the tradition somewhat differently. Tradition says that the Chickasaws and Choctaws were once one tribe and lived in the West, where they had powerful enemies who kept them in alarm. In a council they determined to seek *a land of life*, as they termed it. They divided into two parties, under the head of Chickasaw and Choctaw, two brothers. The brothers, after crossing the Mississippi river, separated, but settled in contiguous territory; the two parties (the Chickasaws and Choctaws) remained distinct, and in time became hostile to each other. Before they commenced their journey, they sought guidance of the Great Spirit. A pole was set up, and the war-dance danced till late at night. They then retired. Next morning they found that the pole bent eastwardly. They took this as a divine sign, and journeyed in the direction the pole leaned. As they marched on they observed a like ceremony every night, and, with the same result. As they

<sup>10</sup> Cyrus Harris to author.



went over the country which they afterwards inhabited, the pole appeared to be nearly erect; but as it was considered to be not exactly perpendicular, they continued to move eastwardly. Two tales are told as to the end of their journey. One, that they took a northwestern course until they reached the Tennessee river and that there the pole pointing in an opposite direction, they retraced their steps until they reached what was afterwards known as the "Chickasaw Old Fields" (in Lee county), where the pole stood erect. They rested at that place, built a town, cleared the forest, and cultivated maize. The "Old Fields" became the metropolis of the Chickasaw Nation as well as its center. The other tradition is that they followed a more southern direction after crossing the Mississippi, and reached the Alabama river. When the war-dance was renewed around the pole, and after they had reposed, they learned that their course was westwardly. They left the Alabama river for the "Chickasaw Old Fields."<sup>17</sup>

"Rev. T. C. Stuart, who was a missionary to the Chickasaws and who had settled among them in Jan., 1821, requested me to write for him. I acted as his amanuensis, and most of the facts published in the *Folio* were gathered from him." Letter from Rev. F. Patton to author, dated "Helena, Ark., April 2nd, 1881."

On the same general lines is the following from Schoolcraft.

"The following tradition respecting the origin and history of this branch of the Appalachian family, is transmitted by their agent from the present location of the tribe, west of the Mississippi river. It has been obtained from the most authentic sources \* \* \* \* \* The story of their old men, as it is now told, runs thus:

"By tradition they came from the west; part of their tribe remained in the west. When about to start eastward, they were provided with a large dog as a guard, and a pole as a guide; the dog would give them notice whenever enemies were near at hand, and thus enable them to make their arrangements to receive them.

"The pole they would plant in the ground every night, and the next morning they would look at it, and go in the direction it leaned. They continued their journey in this way until they crossed the great Mississippi river, and until they arrived in the country about where Huntsville, Ala., now is; there the pole was unsettled for several days; but, finally, it settled, and pointed in a southwest direction. They then started on that course, planting the pole every night, until they got to what is called the 'Chickasaw Old Fields,' where the pole stood perfectly erect. All then came to the conclusion that that was the Promised Land, and there they accordingly remained until they emigrated west of the State of Arkansas in the years 1837 and 1838.

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<sup>17</sup> Rev. F. Patton, "*Reminiscences of the Chickasaw Indians*" in (Pontotoc) *Folio*.

"While the pole was in an unsettled situation, a part of the tribe moved on east and got with the Creek Indians, but as soon as a majority of the tribe settled at the 'Old Fields,' they sent for the party that had gone east, who answered that they were very tired, and would rest where they were awhile. This clan was called Cush-eh-tah. They never joined the parent tribe, but they have always remained as friends until they had intercourse with the whites; then they became a separate nation."<sup>18</sup>

The tribe referred to above were Cussetas, (name variously spelled) part of the losse-jointed Creek confederation.

The following Migration Legend was related to Col. Benj. Hawkins, the celebrated Indian Agent:

"Kasi Xta (Cusseta), called Abika and Chicasa, "tchatúsi," *my young brothers*. Chicasa and Abika called Kasi Xta and Kawita (Coweta), "tcha'láha," *my elder brothers*. Abika called Chicasa, "ama'h máya," or *my elders, my superiors*, and Chicasa sometimes uses the same term to Abika  
\* \* \* \* \*

"Kasi Xta and Chicasa consider themselves as people of one fire, tútk-itka hámkushi (literally translated: 'off one burning fire,' the meaning is that they belong to the same tribe), from the earliest account of their origin. Kasi Xta appointed the first mico for the Chicasa, directed him to settle in the large field (sit down in the big savanna) where they now are, and govern them. Some of the Chicasa straggled off and settled near Augusta, from whence they returned and settled near Kasi Xta, and thence rejoined their own people."<sup>19</sup>

As late as the time of the celebrated William Blount of Tennessee we find the Chickasaws laying claim to land at or near Augusta.

### III. CHICKASAW PHRATRIES AND GENTES.

The learned ethnologist, Dr. Gatschet says:

"Lewis H. Morgan published in his *Ancient Society* (New York, 1877), p. 163, a communication from Rev. Chas. C. Copeland, missionary among the Chicasa Indians, on the totemic *gentes* observed by him. Copeland states that the descent is in the female line, that no intermarriage takes place among individuals of the same gens, and that property as well as the office of chief is hereditary in the gens. The following list will show how considerably he differs from Gibbs' list inserted below:

*Panther phratry*, koa. Its gentes:

1. kó-intchush, *wild cat*;
2. fúshi, *bird*;
3. nánni, *fish*;
4. issi, *deer*.

<sup>18</sup> Schoolcraft's *Orig., Hist. and Con. of Chickasaws*.

<sup>19</sup> From migration legend as related to Col. Benj. Hawkins by Taskáya Miko: Hawkins's *Sketch*, quoted in Gatschet's *Migration Legend of the Creeks*.

*Spanish phratry*, Ishpáni. Its gentes:

1. shawi, *raccoon*;
2. Ishpáni, *Spanish*;
3. Mingo, *Royal*;
4. huskoni;
5. túnni, *squirrel*;
6. hotchon tchápa, *alligator*;
7. nashoba, *wolf*;
8. tchú 'hla, *blackbird*."

In his *Migration Legend of the Creeks*, from which the foregoing is taken, Dr. Gatschet says that further investigations would show whether the gentes, Ishpani and mingo, were not one and the same, as they appeared on Gibbs' list; that this list was taken from a manuscript note to his Chickasa vocabulary and contained nine *clans* or *iksa*, (*yéksa*).

Dr. Gatschet says further:

"Spane or Spanish gens; mingoes or chiefs could be chosen from this gens only, and were hereditary in the female line; sha-é or *raccoon* gens; second chiefs or headmen were selected from it kuishto or *tiger* gens; ko-intchush or *catamount* gens; náni or *fish* gens; issi or *deer* gens; haloba or ? gens; foshi or *bird* gens; hu<sup>2</sup>shkoné or *skunk* gens, the least respected of them all."<sup>20</sup>

According to Bernard Romans, who visited the Chickasaws and Choctaws in the latter half of the 18th century, the Chickasaws lived "in the centre of an uneven and large nitrous savannah, have in it one town, long one mile and a half, very narrow and irregular." This they divided into several others: Melataw, *hat and feather*, Chatetaw, *Coppertown*, Chuckafalaya, *long town*, Hickaha, *stands still*, Tuckahaw, *a certain weed*, Ashuckhooma, *red grass*, and Chuccalessa, *great town*. Romans states that all of them were enclosed "in palisadoes."<sup>21</sup> Ashuckhooma was where D' Artaguette was defeated.<sup>22</sup>

The Chickasaws were noble, brave, cheerful, and constant, while their brothers, the Choctaws, according to Adair, were libidinous, crafty, fickle, and dishonest. But the old historian may have been biased, for the writer thinks, from study of Adair's history, that the old chronicler had a wife in the Chickasaw

<sup>20</sup> Gatschet's *Migration Legend of the Creeks*.

<sup>21</sup> Romans' *East and West Florida*.

<sup>22</sup> See Claiborne's *Miss.*, and Pickett's *Ala*. It seems well nigh impossible to harmonize Romans' Chickasaw towns with Adair's list of Chickasaw towns, though there is some resemblance in some of the names.



Nation and that he knew that tribe better than he did the Choctaws. Romans described the Chickasaws as a haughty, insolent, fierce, and cruel race, filthy in their discourse, corrupt in their morals, well-made, powerful and lazy, excellent hunters, expert swimmers, and good warriors. The Choctaws he lauded as a nation of agriculturists, inclined to industry and peace. Adair on the other hand lauds the Chickasaws. Claiborne, who had official intercourse with the Choctaws, speaks in glowing terms of them.

He says:

"The Choctaws never robbed nor permitted robbers to live with them. Honesty on the part of the men and chastity of the women were characteristics of the Choctaw people."<sup>22</sup>

#### IV. CHICKASAW MARRIAGE CUSTOMS.

The following statement from Cyrus Harris, a mixed-breed Chickasaw, relates to Chickasaw marriage customs:

"When a man found a girl that suited his fancy, he would send his mother or sister with perhaps calico enough to make one or more dresses, tied up in a shawl or handkerchief, with instructions to ask the father and mother of the girl to give their approval of the intention of the sender. If they gave their consent, the bundle was handed to the girl. If she took the bundle, it was considered a bargain made. The mother or sister brings back news of her errand. The man then hunts up his clothes and dresses himself from head to foot, paints his face with vermilion and other paints, and starts for the residence of his intended. On reaching the place he is invited to take a seat on a cowhide or the hide of any 'varmint' generally used for seats in those days. After the general topics of the day are talked over, supper is announced. The visitor and the intended father-in-law, in the absence of any other visitor, take supper, unaccompanied by the intended wife or her mother. Some time after supper, a bed commonly occupied by the girl is prepared for their accommodation, the girl getting in bed first, previous to the man's entering the bedroom. The man comes in and occupies the front side of the bed. This makes them man and wife, and, at any time, either one of them getting dissatisfied with the other, by jealousy or otherwise, they separate mutually. This, sir, was ancient marriage ceremony among the Chickasaws."<sup>23</sup>

#### V. BURIAL CUSTOMS.

The Chickasaws and Choctaws, though they called themselves brothers and had nearly similar ways, observed different burial customs. The following from Adair describes the burial of Oeasa, a Chickasaw chief:

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<sup>22</sup> Claiborne's *Miss.*

<sup>23</sup> Cyrus Harris to author, "June 18th, 1881."

"They laid the corpse in his tomb in a sitting posture, with his face towards the east, his head anointed with bear's oil and his face painted red, but not streaked with black, because that is a constant emblem of war and death; he was dressed in his finest apparel, having his gun and pouch and trusty hickory bow, with a young panther's skin full of arrows, alongside of him, and every other useful thing he had been possessed of, that when he rises again, they may serve him in that tract of land which pleased him best before he went to take his long sleep. His tomb was firm and clean inside. They covered it with thick logs, so as to bear several tiers of cypress bark, and such a quantity of clay, as would confine the putrid smell, and be on a level with the rest of the floor. They often sleep over those tombs, which, with the loud wailing of the women at the dusk of the evening and dawn of the day, on benches close by the tombs, must awake the memory of their relations very often; and if they were killed by an enemy, it helps to irritate and set on such revengeful tempers to retaliate, blood for blood."<sup>25</sup>

Charles C. Jones, Jr. in his *Antiquities of the Southern Indians, Particularly of the Georgia Tribes*, says, (referring to Bartram's *Travels and Romans' Florida*):

"The Muscogulgees buried their dead in the earth—a deep pit, about four feet square, being dug under the cabin and couch occupied by the deceased. This grave was carefully lined with cypress bark, and in it the corpse placed in a sitting posture. Such articles of property as he valued most, were deposited with him. \* \* \* \* \*

The funeral customs of the Chickasaws did not differ materially from those of the Muscogulges. They interred the dead as soon as the breath left the body, and beneath the couch on which the deceased expired."<sup>26</sup>

Edwin G. Thomas, son of Elisha Thomas, was born near Mt. Pleasant, Maury county, Tenn., July 31, 1810. He moved to Alabama. In 1834 he made a trip through the Indian nation, going first to Cotton Gin, across what was then Indian country. He says that one day, while on this trip and while in the Indian country, "about sun-down in a southeastern direction I heard a wailing noise.

"None of the crowd (those who accompanied Thomas) knew what it was, but a negro told us it was the Indians mourning for their dead. The Indians also came in the house and mourned. We were told that they were buried in the house."<sup>27</sup>

## VI. CHICKASAW LAWS.

Before the year 1834, the Chickasaws had but few laws; one law was life for life. If a man or woman killed another, he or

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<sup>25</sup> Adair's *History North American Indians*.

<sup>26</sup> Jones' *Antiquity of the Southern Indians*.

<sup>27</sup> Narrative of Edwin G. Thomas, May 10, 1880. Mr. Thomas moved to Fulton in the fall of 1837. Fulton was first named Jacinto.

she was killed by the relatives of the slain. If the murderer could not be found, it was lawful to put to death the brother of the one who had done the killing, which made an end of the difficulty.

The property of deceased persons went to brothers and sisters, the husband, or wife and children not being entitled to any part of the estate.

Children were not regarded as related to their father, but were closely related to their mother, they being of the same house-name. The husband and father were of a different house-name, or clan, as it is called. A man and woman of the same house-name were not allowed to marry, hence they considered the children related only to the mother and not to the father. If a man married a woman who had several sisters, he had a perfect right to marry them all, and live with them all at the same time. A man who died, leaving a widow, gave his brother a sort of lien on her;<sup>28</sup> and the surviving brother could marry her, if he wished.

A person who stole a horse was whipped by order of the king, but it was a rare thing for a Chickasaw to steal at all. One of the light-horsemen who generally gave the lash, went by the name of Ish-yah-kah-py. His English name was "*Big Legs*"; he lived eight miles southeast of Pontotoc, on a creek called Punk-a-tuck-ah-ly, a name which signifies "*Hanging Grapes*," now called Pontotoc creek.<sup>29</sup>

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<sup>28</sup> Cyrus Harris to author.

<sup>29</sup> *Ibid.*





## SOME CHICKASAW CHIEFS AND PROMINENT MEN.

BY HARRY WARREN.

Piamingo, more properly, Piaminco, also known as the Mountain Leader, is one of the Chickasaw chiefs who are first mentioned in the conferences of the representatives of his nation with the United States. He was one of the bravest of a brave nation, and the warm friend of the Americans, especially of General James Robertson and the other early "stationers" on the Cumberland. Indeed, without the help of the Chickasaws, the brave frontiersmen at and near the present city of Nashville, then a wilderness, would have been extirpated by the Creeks and Cherokees. Had these venturesome forerunners of the frail American settlements lying further to the eastward not gained the goodwill and assistance of Piamingo and his people, rich Spanish territory might never have fallen under the Stars and Stripes, and history might have had a different story to tell.

Wolf's Friend, or Mooleshawskek, appears to have been of a crafty disposition and fond of display, though a chief of great influence. From the appearance of his Indian name, the writer leans to the view that this chief was not a native Chickasaw, but an adopted member of the tribe. Considerable light is thrown upon his character by Captain Guion's letter to the Secretary of war, dated "Fort Adams, Chickasaw Bluff, October 22, 1797," as given in *Claiborne's Mississippi*, 185-6.

Sometime in the 18th century one Colbert, a Scotch youth, appears to have become identified with the Chickasaws. He became a notorious leader, and Tennessee annals have a good deal to say, and that not of a complimentary nature, of the Colbert gang. He left four sons: William, George, Levi, and James. These four sons, of mixed white and red blood, became chiefs and men of prominence among the Chickasaws.

General William Colbert, or Chooshemataha, was a military character of consequence. He fought for his own people against the Creeks, and, it has been stated, assisted Andrew Jackson against the same tribe. "Old Hickory" presented him with a

military coat, which the chief wore on important occasions until the end of his days. He lived a few miles south of Tocshish. Tocshish was south of where Pontotoc now is, and was put on old maps as "McIntoshville."<sup>1</sup>

In the summer of 1780 Gov. Thomas Jefferson of Virginia, having sent instructions to place a post on the Mississippi river, with cannon to fortify it, Col. Geo. Rogers Clark with some soldiers, left Louisville and proceeded to the Iron Banks, at the mouth of the Mayfield creek, five miles below the mouth of the Ohio. He there erected Fort Jefferson. The Chickasaws at this time were the owners of the country west of the Tennessee river, including the ground where Fort Jefferson was erected. The Governor's instructions to buy the site or get the Indians' consent was not complied with, and their resentment was aroused. They commenced to maraud and to kill members of the families that had settled around the fort. Mr. Music's entire family, except himself, was killed. A white man was taken prisoner and forced to reveal the condition of the fort, etc. There were about thirty men in the garrison, under Captain George. Many of these were sick. They were reduced in supplies of food on account of those who had taken refuge there, and the destruction of their crops near by, by the Indians.

"In this condition, and under the lead of a Scotchman named Colbert, who had lived with and acquired a great influence over these Indians, they appeared in force, several hundred strong, and began a siege and attack upon the fort in the summer of 1781. After resistance of five days the respective leaders, Colbert and George, met under a flag of truce to try to agree on terms of capitulation, a summons to surrender within an hour having been refused. Terms could not be arranged, and the fighting was resumed. The issue was near at hand, as a messenger had been dispatched to Kaskaskia for aid. A desperate night assault was made by the Indians in force. When they had advanced in short range and in close order, Captain George Owens, who commanded one of the block-houses, had the swivels loaded with rifle and musket balls, and fired them into the crowded ranks. The fire was very destructive and the slaughter excessive. The enemy, repulsed and disheartened, fell back to their camps. Soon after, Colonel Clark arrived with a relief force and the Chickasaw army gave up the siege. This fort was some time after abandoned, from its isolated position, and the difficulty of supplying so remote a garrison. The evacuation was the signal for peace, which was tacitly accepted by the Indians and faithfully observed by both parties after."<sup>2</sup>

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<sup>1</sup> Rev. F. Patton, amanuensis of Rev. T. C. Stuart, the celebrated teacher of the Chickasaws at Monroe Station.

<sup>2</sup> Z. F. Smith's *Hist. Ky.*, 160-1. Smith refers to Butler, 119, and Collins, II, 39.



George Colbert, or Tootemastubbe, was perhaps the most prepossessing of the Colbert brothers in appearance and manners. He was opposed to innovation, and an enemy to education, missions and whiskey.<sup>3</sup> He lived on Wolf creek four miles south of Booneville. Shullachie, or Salechie, was the name of his wife. She lived where Tupelo now is.<sup>4</sup> He had two sons, Pitman and George, and one daughter, Vicy. He "was illiterate but had some influence and stood tolerably fair; talked very common English. His son, Pitman, had a very fair education."<sup>5</sup>

George Colbert himself moved to the West.

Wm. Henry Gates is authority for the following statement:

"My father, William Gates, went to McNairy county, Tenn., and bought the running gear for two six-horse wagons, sold them to Colbert, and the latter moved to the nation in them."

Edwin G. Thomas says:

"In 1836 I attended the land sales at Pontotoc. The first night in the nation I stayed at Saleechie (or Shullechie) Colbert's four miles west of where Tupelo now stands. She was a woman well-fixed up, had a good house, and gave good fare."

The author of "Cotton Gin Port and Gaines' Trace," in the *Publications of the Mississippi Historical Society*, VII., 269 appears to be mistaken as to Selitia Colbert being "one of the wives" of Levi Colbert.

In 1821 Alexander Dugger first became acquainted with the Indians at Cotton Gin. George Colbert lived near Harrisburg, in what is now Lee county, on a place afterward owned by Shannon. Pitman Colbert lived with his father on the same place. They were very wealthy, working 140 hands; had a large farm near Colbert's Ferry in Alabama.<sup>6</sup> Vicy Colbert was an educated woman,<sup>7</sup> and wealthy, as wealth was counted in those days. She owned three sections of land, all of which Colonel Doxey sold to Wm. Duncan for \$13,000. She lived south of the old

<sup>3</sup> Rev. F. Patton.

<sup>4</sup> Narrative of Wm. Henry Gates, Nov. 9, 1880.

<sup>5</sup> Cyrus Harris, four terms governor of the Chickasaws in the Indian Territory, who knew the Colberts.

<sup>6</sup> Narrative of Alex. Dugger, July 21, 1870.

<sup>7</sup> Narrative of John D. Chisholm, June 15, 1880.

Chickasaw King,<sup>8</sup> though she lived for a while in the Cherry creek neighborhood.<sup>9</sup> She went west with the Indians.<sup>10</sup>

Levi Colbert, or Itawamba Mingo, more properly Itawamba Minco, was the most celebrated of the brothers. He "was a very influential man, and was looked up to by both Red and White, as the most intelligent chief among the Chickasaws. He talked very broken English, and had no book learning whatever, but was an advocate of good schools. His sons were all educated; Martin had a fine education."<sup>11</sup> He was a merchant.

As to how the great chief acquired his name<sup>12</sup> of "Itawamba Mingo," the following from Mr. Stephen Daggett to Mr. Newman Cayce of Fulton, Mississippi, as given the writer in manuscript by the latter, may be of interest:

"In the spring of 1827, then being nearly 29 years of age, I purchased a stock of goods at Mobile to send to Cotton Gin Port, to trade with the Chickasaw Indians. I arrived at the place of my destination on the 20th of May of that year. Soon after my arrival I became acquainted with Levi Colbert, one of the leading men, and the chief councilor of the nation—an uncommon, *natural* man, without education, of French descent<sup>13</sup>—could speak a little French, and tolerable English. I soon learned he had the Chickasaw name of Itta-wam-ba, and, when spoken of by the Chickasaws in a respectful manner, 'Te-wam-ba Mingo.' I endeavored at the earliest period to learn the origin and definition of the name.

"From Dr. Gideon Linccum, of Monroe county, who spoke the Chickasaw language quite fluently, and who was well acquainted with the Colbert family, I learned that it was a custom with the Chickasaws and Choctaws when any of their number performed a meritorious act for the good of the nation, a council was called, the circumstances of the act were related, and if approved of, he was seated on the ground in a circle formed by chiefs and warriors, a wreath placed on his head and a new name given to him. Dr. Linccum informed me that when Levi Colbert was a young man, some Indians of other tribes intended to take the country inhabited by the Chickasaws from them, for their own benefit.<sup>14</sup> The time fixed to subdue the

<sup>8</sup> Narrative of Jas. Barton Jones, Oct. 23, 1880.

<sup>9</sup> Narrative of Berry Hodges, June 8, 1880.

<sup>10</sup> Narrative of Jas. Barton Jones, Oct. 23, 1880.

<sup>11</sup> Cyrus Harris to the writer of this article.

<sup>12</sup> Let the reader observe the error as to the name, "Itawamba" being applied to "Levi Colbert's herdsman," etc., in "Cotton Gin Port and Gaines' Trace," *Publication Miss. Hist. Soc. VIII.*, 270.

<sup>13</sup> Levi Colbert may have had French blood in his veins through his father, but Miss Nellie Bynum, a descendant of George Colbert, Levi's brother, told Cyrus Harris, who reported the same to the writer in writing that George Colbert, her ancestor, was of Scotch descent. Levi may have learned a little French from intercourse with the French of Mobile.

<sup>14</sup> Col. James Gordon in his Centennial address said it was the Creeks in this particular case.

Chickasaws was in the fall of the year, when the warriors were absent on their annual hunt.

"Young Colbert received news of their intention and that they were even on the advance. He immediately gathered as many of the young men of the nation as he could—of those that were at home, who armed themselves as well as they could, went forward to meet their enemies, surprised, routed, killed and wounded more than his little force numbered.<sup>15</sup> For this brave and successful act of Levi Colbert, after the return of the warriors from their hunt, a council of the nation was called, the circumstances of the success were related, a 'new name' and a crown or wreath were decided to be awarded him. Instead of setting him flat upon the ground (as had heretofore been their custom), young Colbert was furnished with a small stool or bench on which to sit. A wreath or crown was then placed upon his head, and the 'new name' of 'Itte-wamba Mingo' or 'Bench Chief' was given him. 'Itte' in the Chickasaw is 'wood,' and alluded to the bench on which he was sitting. I afterwards inquired further of the above statement, and from all I could learn, I think the foregoing circumstances are correct."<sup>16</sup>

Levi Colbert had several sons: "Martin, Charles, Alex, Adam, Lemuel, Daugherty, Ebijah, Commodore and Lewis,"<sup>17</sup> and several daughters: "Charity, Mariah, Phalishta and Asa."<sup>18</sup>

James Colbert, who was also called "Major Colbert," a younger of the brothers, resided several miles to the south of Colbert's Ferry. He was estimable and quite civilized.<sup>19</sup> He had a "pretty good education, but used broken English. His children were not as well educated as old Levi's children. He had three sons: Joseph, James and Samuel. His daughters were: Tennessee, Molcy [maybe Moley], Susan, Betsy and Matilda. Tennessee was the grandmother of Miss Nellie Bynum. The old Colberts died rich in slaves."<sup>20</sup>

The Colbert brothers were "all men of good sense and good principles."<sup>21</sup>

One of the Colberts lived near Horn Lake. He had three wives,—one a full-blood Indian; the other two were sisters, and

<sup>15</sup> "Colbert hastily collected the old men and boys of the tribe, and ambuscaded the Creeks so successfully that not one of them escaped. This battle was fought on a small stream which afterwards received the name of Yah-nub-by." See James Gordon's "Centennial Address" in *Pontotoc Folio*. Yah-nub-by (Yanabee), variously spelled by the whites is in Lee county.

<sup>16</sup> Daggett to Cayce, as given by the latter in writing to the author.

<sup>17</sup> Cyrus Harris to author.

<sup>18</sup> *Ibid.*

<sup>19</sup> Brewer's *Ala.*

<sup>20</sup> Cyrus Harris to author.

<sup>21</sup> Hon. Geo. S. Gaines as quoted in Brewer's *Ala.*



their family name was Allen. He, like his other kinsmen, was very wealthy.<sup>22</sup>

Co-a-ho-mah, *Red Cat* or *Red Tiger*, *alias* [William McGillivray], and Samuel Seeley, *alias* Isaac Albertson, were conspicuous among the Chickasaw chiefs. Seeley, *alias* Albertson, lived not far from Holly Springs, Marshall county, Miss.

Mr. Walton says:

"McGillivray was a very old man, had served under Washington, and was commissioned by him as captain in the United States army, and stationed at Fort Pitt, now Pittsburg, Pa., in the old war. I have seen his commission, and it is now in the possession of his son near Fort Towson, Choctaw and Chickasaw Nation west."<sup>23</sup>

Thomas Love was very probably a white man and a refugee Loyalist. The Indian nations were often asylums for refugee Loyalists, or Tories, in the early days. He died in Mississippi, and was the father of Isaac, Henry, Slone, Ben, Samuel, Bill, Robert, Sally<sup>24</sup> and Delilie. The latter married John B. Moore,<sup>25</sup> a white man, and owned the land where Holly Springs now stands.<sup>26</sup> Isaac was a riotous, drinking man, yet he was influential with his people. Henry was more enlightened than Ben, Isaac or Slone. Slone partook, both in appearance and habits, more of the nature of the Indian. His complexion was redder, and his tendency more wayward—more Indian like<sup>27</sup>

Ben Love was educated in Washington City, was a son-in-law of Simon Burney, owned a number of slaves and was wealthy. At one time he lived on a creek a short distance below Buena

<sup>22</sup> Old citizen to author:

"James Colbert, a slave owner, lived near Egypt Station. Winchester Colbert was his son." "Gage Notes" by H. S. Halbert.

<sup>23</sup> Letter from J. N. Walton to author, dated "Aberdeen, Miss., May 15th, 1881:

"I knew Wm. McGilver, a chief, who lived six miles S. W. of Fulton, who stated that he had been at Washington city in Washington's time and had papers in his possession which he had received from Pres. Washington. He was the oldest Indian that ever I saw." Narrative of Samuel J. Copeland, ———— Co., Apr. 19, 1880.

<sup>24</sup> Cyrus Harris to author.

<sup>25</sup> Pleas Mosby, a brother of Joseph Mosby, married a daughter of John B. Moore.

<sup>26</sup> Dr. T. J. Malone or Judge Gordentia Waite, both of Holly Springs, to author.

<sup>27</sup> Dr. T. J. Malone to author.

Vista.<sup>28</sup> It is not known by the writer how many times Ben Love was married, but Dr. T. J. Malone stated that Ben Love's wife was a half-breed of the Choctaw nation. She was taught to weave by a white man who made a loom and sold it to her husband, getting fifty dollars for it. She became an expert in the art of weaving, and could weave a piece of cloth thirty yards long by a yard wide in a day.<sup>29</sup> The chief owned what was afterward Dr. Pointer's place in Marshall county to the south of Holly Springs, in the neighborhood where Mr. John Jarratt lived in 1881. About two years after the treaty he moved to Holly Springs where he was assassinated about two weeks afterward. He had two daughters, the oldest named Narcissa. He had a sister, a Mrs. Allen,<sup>30</sup> a well-to-do slave-owner. She was about forty-five years of age in 1836. A daughter of Mrs. Allen married Phillips, a white man.<sup>31</sup>

The families of Henry, Ben, Isaac, and Slone besides their unbounded influence in the tribe, were also, as a rule, very rich, possessed much land and many negro slaves.<sup>32</sup>

Up to 1837, when the Chickasaws removed from Mississippi to their western home, the Chickasaw Nation was divided in four districts: Ish-te-ho-topa's District, Tishomingo's District, McGillivray's (Co-a-ho-mah's) District, and Seeley's (Albertson's) District. Tishomingo, McGillivray and Seeley with some others were subordinates to Ish-te-ho-to-pa, the king. Tishomingo was the chief next to the king in authority<sup>33</sup>

It is presumed that Ish-te-ho-to-pa became king of the Chickasaws in 1820, for the Rev. David Humphries says:

"We [Humphries and Rev. T. C. Stuart] \* \* \* \* set our faces for the distant west, and passing through the new settlements of Alabama, by way of Fort Jackson, Falls of Cahawba, Tuscaloosa, and the little villages of Columbus, Mississippi, and Cotton Gin Port, we crossed the Tombekbee river and entered the Chickasaw Nation, forty-one years ago this day (*i. e.* they entered it on July 8, 1820), and found ourselves at the hospitable man-

<sup>28</sup> Notes taken by Mr. H. S. Halbert from Mr. Gage, an aged gentleman of Clarke county, Miss.

<sup>29</sup> T. J. Malone to author.

<sup>30</sup> This was probably Sally Love.

<sup>31</sup> The Gage notes by Mr. H. S. Halbert.

<sup>32</sup> Dr. T. J. Malone.

<sup>33</sup> Cyrus Harris to author.

sion of old Levi Colbert, the great man of his tribe. This was Friday evening. We soon learned that a great ball-play was to come off on the following Monday, at George Colbert's, some twenty-five miles distant, and that a large company was going up the next day. \* \* \* \* \*

"There being a large collection of Indians from all parts of the nation, we had no difficulty in securing the attendance of the chiefs in council at an early day. Accordingly, we met them at the house of Major James Colbert, the following Wednesday, being the 22nd of the month. You remember their young king was conducted to the chair of state that day for the first time as king of the Chickasaw Nation.<sup>34</sup> He was an ordinary Indian, and never opened his mouth during the council."<sup>35</sup>

The writer of this article has several old deeds which have the "X" mark of Ish-te-ho-to-pa, George Colbert, and Isaac Albertson, which also show that James Colbert, Benj. Love, Henry Love, Slone Love, and James Wolf were able to sign their names in a free, flowing hand, except the two last who signed badly, after the manner of a boy just learning to write.

Although of the blood royal, Ish-te-ho-to-pa seemed to have been somewhat *democratic* in his tastes; for the old chronicle tells us that "The old Chickasaw king, when he came to Pontotoc, slept in the bar-room with me."<sup>36</sup> His majesty seemed not above making an honest penny, too; for James Alexander Hunt relates in his narrative that in 1835 he crossed the Tallahatchie river in a ferry boat belonging to the Chickasaw king, paying fifty cents for his passage.<sup>37</sup> Mr. Hunt also states that the king about this time "was a middle-aged man, who had, when he left here, some grown sons who dressed in grand Indian style."<sup>38</sup> The Chickasaws and Choctaws, after arriving in their western home, became one nation, and Ish-te-ho-to-pa ceased to be king.<sup>39</sup>

Tishomingo in 1836 lived on the place in Lee county, known in

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<sup>34</sup> King Chin-nub-by, name variously spelt, may have been the immediate predecessor of King Ish-to-ho-to-pa in the kingly office. The author has failed to discover the name of any Chickasaw King, intermediate in time between the two.

<sup>35</sup> Rev. David Humphries to *Southern Presbyterian* of Columbia, S. C., in letter of July 8, 1861.

<sup>36</sup> John Gray Claunch, Jan. 31, 1883.

<sup>37</sup> Narrative Jas. Alex. Hunt, Nov. 13, 1880.

<sup>38</sup> *Ibid.*

<sup>39</sup> Cyrus Harris to author:

"I saw the king of the Chickasaws several times presiding at councils. Several councils were held at Fields's store." Alex. Dugger, July 21, 1870.

Fields's store was at Newberry's—an Indian who lived in Lee county, north of Tupelo, on N. W. 1-4, Sec. 19, Town. 7, Range 6.



1870 as the Larkin Gambrell place,<sup>40</sup> and was the chief of that district. He was then (1836) a hundred years old, his wife seventy or eighty, and his mother (who lived with him) one hundred and twenty. He had been living at that place sixty one years. He had come from the Chickasaw Old Fields. The Creeks and Chickasaws had had a fight sixty-one years before. The Creeks came to the Chickasaw Old Fields and killed the Chickasaws, and the latter scattered out from this place, which had been up to that time the head-quarters of their tribe. Tishomingo was a good, clever man, and very influential.<sup>41</sup> The chief seems to have possessed some property in 1834; for we are told that in that year, Edwin G. Thomas, traveled in the Chickasaw Nation and that Tishomingo "had a right smart size farm and a good many negroes."<sup>42</sup>

In personal appearance the chief was big, tall, and rawboned,—so described by one who knew him and who had visited his house many times.<sup>43</sup>

"I have heard Brother [T. C.] Stuart and the first settlers speak in high terms of Tishomingo, as a noble-spirited chief, distinguished for his high sense of honor and virtue."<sup>44</sup> In one of the treaties he is spoken of by the Chickasaws "as their old and beloved chief."

He died at Little Rock, Ark., on his way to the Territory, and

<sup>40</sup> From a map sent me in 1904 by Miss Janie Agnew, Bethany, Lee county, Miss., and by one or more members of Larkin Gambrell's family I learn that Tishomingo's house was on S. W. 1-4, Sec. 13, Town 7, Range 5, Lee Co., Miss.; Larkin Gambrell's home in 1849 was on N. W. 1-4 of same section.

<sup>41</sup> Narrative of Alex. Dugger, July 21, 1870.

<sup>42</sup> "In 1834, before I moved to Pikeville, I made a trip through the Indian nation. I first made my way to Cotton Gin, on the east side of the Tombigby, across which was the Indian nation. By night of one of the days when traveling in the Chicksaw nation, we reached the settlement of an Indian, Tishomingo. On this day we were guided by an Indian, and passed several Indian huts. Some Indians run their horses by us during the day—drunk. The guide talked with the sober Indian, and learned that they had been at a trading place and gotten spirits. Tishomingo lived on the south side of a traveled road running a little north of east. He had a right smart sized farm and a good many negroes. He had a large spring across the road from his house, and below, a few hundred yards, there was a natural rock bridge, the branch running under it. The distance from the T. C. Stuart mission was 35 or 40 miles." Edwin G. Thomas, May 10, 1880.

<sup>43</sup> "I have been at his house many a time." Wm. Henry Gates, Prentiss Co., Nov. 9, 1880.

<sup>44</sup> Rev. F. Patton.

was buried there.<sup>45</sup> It is supposed that he died about 1841.<sup>46</sup> A county in Mississippi and a town in the Indian Territory perpetuate the name of this old minco.

James Brown lived in the fork formed by Jim Brown creek and Jincy Brown creek. Jincy was Jim Brown's wife. One creek was named for each of them.<sup>47</sup> Brown's creek is in the eastern part of Prentiss county, flows southwardly and empties into Tombigbee river. Brown was chief, or captain, in his neighborhood,<sup>48</sup> and had been an officer under Jackson in the war against the Creeks, commanding a company or a battalion. One of his daughters, Woolky, kept public house about 1829 on the Cotton Gin road which crossed the Tombigbee at Cotton Gin and entered Tennessee at old Berlin. She was more intelligent than her father, and had a negro man and woman that did the cooking and a man that did the hostlery. She afterward married Anderson Ellis,<sup>49</sup> an Indian and moved to Cotton Gin, where John McGee afterward lived.<sup>50</sup>

To-pul-key lived on S. E.  $\frac{1}{4}$ , Sec. 2, Town 5, Range 3, Tippah county, about five miles south of Ripley, on the place now (1904) owned by Mr. A. Clayton. This gentleman is authority for the following statement:

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<sup>45</sup> *Pub. Miss. Hist. Soc.*

<sup>46</sup> Cyrus Harris to author.

<sup>47</sup> "While I was living near Ripley I visited the neighborhood of Tishomingo. Tennessee wagoners got me to sell their stock to the Indians, because I understood their language. I found no whites in Tishomingo's neighborhood. Tishomingo was a noted Indian, an old man, very old. I saw him at Ripley several times. The Indians knew me very well. At Indians' houses men would lie on bear-skins, covered with blankets if they had them. Their eating was poor stuff. I have eaten *tom-fulla* (hominy, beat and boiled, a little lye dropped in it, and turned a little sour) with Tishomingo. *Tom-fulla* was a common diet among the Indians." Narrative of Berry Hodges, Union county, Miss., June 8, 1880.

<sup>48</sup> Narrative of Wm. Henry Gates, Nov. 9, 1880.

<sup>49</sup> Narrative of Alex. Dugger, July 21, 1870. Col. Dugger was a son-in-law of Benj. Reynolds, Chickasaw Agent.

<sup>50</sup> John Ellis and Anderson Ellis, half-breeds, lived where old Holly Speek now (June 8, 1880) lives. Ellistown was named from them. Dr. Ben. from Tenn., settled in Ellistown when the Indians were in the country. Narrative of Berry Hodges, June 8, 1880.

Ellistown is in the southeast corner of what is now Union county, and northeast of Pontotoc, about seventeen miles.

<sup>50</sup> Narrative of James Alex. Hunt, Nov. 13, 1880.

"I did not know him personally but I now own the place where his home was situated. I have eaten many apples from the tree they say he planted. It blew down about five years ago [*i. e.*, blew down about 1899]. The place where his wigwam as situated is very level, but there are no signs left since the apple trees have blown down, except that there are two springs, one southeast of his house about 150 yards, and one northwest of his house about the same distance. Also about 300 yards east of his house there is a small creek that bears his name. I have in my possession a great many trinkets which I picked up about the wigwam, among which are pieces of silver, beads, etc."<sup>81</sup>

The following statement from the veteran citizen, Mr. W. T. Young, whom Hon. J. W. Street, Chancery Clerk Tippah county (1904) describes as "one of the best and most reliable of our citizens" will be found of interest in this connection. Mr. Young has been in Tippah county for sixty-seven years:

"Topulkey lived about four miles south of Ripley. He owned one negro woman, who was about sixty years of age. I used to go down there, as there were a great many strawberries at that place. There were ten or fifteen acres of cleared land I suppose. I could not see any trees or stumps. I asked this old negro: 'How long has this piece of land been cleared?' She said: 'You will have to ask some one older than I am, for there has been no trees or stumps there since I can remember.' There were some apple trees which stood on that piece of ground; in '37 the trees were nearly as large as my body. I have lived on this place for nearly twenty years. The trees were full-bearing when I came here, and I never knew them to miss their crop. It was very good fruit, and those trees remained there until they were blown down about eight or ten years ago.

"The old negro was very well pleased with her home, and seemed to be well-treated.

"Topulkey was a quiet, inoffensive Indian, up in years. I think his habits were temperate. As a general thing, the Indians were a very quietly disposed people. I was down there in 1836 taking notes of territory, and at times it would be days before we would see a white man. We were always treated very kindly by the Indians on these occasions. They would always take us in their huts and treat us very hospitably. Some Indians were very great drunkards, and all liked their drams. I never saw but one that would not touch it. He called himself 'George Washington.'<sup>82</sup>

George Washington Johnson states, August 9, 1880:

"Cho-pul-key [probably the same as To-pul-key] lived five miles south from Ripley on the Tennessee road. He had four negroes and a smart farm."

John Glover lived on the Oconitahatchie below Plenitude <sup>83</sup> (in what is now Union county, southeast of New Albany). He lived

<sup>81</sup> Statement of A. Clayton, a reputable citizen of Tippah county, Miss., in 1904, before Hon. J. W. Street, clerk Chancery Court of said county.

<sup>82</sup> Statement of Mr. W. T. Young in 1904 before Hon. J. W. Street, Chancery Clerk of Tippah county.

<sup>83</sup> Narrative of Jas. Alex. Hunt, Nov. 13, 1880,



at the Albert Funk place.<sup>54</sup> Glover was sentenced to be put to death as soon as he had drunk as much whiskey as he wanted. He never drank any more.<sup>55</sup>

Chickasaw Bill lived on Tippah river, five or six miles, to the west of Ripley, where George Gray settled.<sup>56</sup> He owned Sec. 34, Town 4; Range 3, E. Tippah county, Mississippi. The land was then sold to Levi B. Mathews and Mack Null in 1842. The third sale was to Ran Palmer in 1843. Ran Palmer gave a part of this land to J. D. Palmer, his son. This section passed into other hands and is now (1904) valuable, being worth several thousand dollars.<sup>57</sup>

The following statement was made by Mr. W. T. Young, age 85 years, before Hon. J. W. Street:

"My name is W. T. Young; age, 85 years. I have been in Tippah county 67 years, and have lived in and near the town of Ripley during these years. I knew the Indian, Chickasaw Bill, personally, was quite intimate with him, and have sold him goods from my store. He was a rather large man, weighing about one hundred and ninety or two hundred pounds; was a good and peaceable Indian, quite jovial, and appeared to be rather militarily inclined. I have seen him get the boys, and muster frequently. He was about forty years old when I first knew him in 1837. I saw him frequently as long as the Indians remained here. I also knew another Indian, named Kapia, who was a prominent character and who had considerable property. He was an associate of 'Chickasaw Bill;' he would come in and require me to run footraces and wrestle. They were both very striking characters. They offered me money to go with them when they left."<sup>58</sup>

Before the Indians left the country, the citizens of Ripley got them to have a parade. There were twenty-five or thirty of them, and Chickasaw Billy commanded them. Instead of guns, they had sticks, and the commander, who was not an adept at using the English language, in having a straight line formed would say, "Straight along! Straight along!"<sup>59</sup>

He was a cunning fellow. He killed an Indian, and the king decreed that he should be put to death when he had raised his youngest child. He always kept a young wife and had a young

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<sup>54</sup> Narrative of Jas. Barton Jones, Oct. 23, 1880.

<sup>55</sup> Jas. Alex. Hunt, Nov. 13, 1880.

<sup>56</sup> John D. Chisholm, June 15, 1880.

<sup>57</sup> Hon. J. W. Street, Chancery Clerk of Tippah County.

<sup>58</sup> Statement of W. T. Young before Hon. J. W. Street in 1904.

<sup>59</sup> Narrative of John D. Chisholm, June 15, 1880.

child to raise! He was living during the Civil War, eighty years old.<sup>60</sup>

Billy Campbell, an Indian doctor, lived at Campbelltown. The Indians there were mostly "half mulattoes," "not clever, but dog-gish."<sup>61</sup> Mitchell Campbell's son was half negro, and had three wives.<sup>62</sup>

Mrs. Nancy Smith afterward lived at the old Campbelltown place.<sup>63</sup> Above there lived Impolattie, another Indian,—half a mile east of Sam Bryson's.<sup>64</sup> The Sam Bryson place, at the date of Dugger's first narrative, was four miles northwest of Gun-town, Lee county.

Creek Billy was the chief man of the Cross Roads settlement on Tishomingo creek. This settlement extended from the McManes place up for half a mile along the bluff. They were Creeks who had married Chickasaw wives.<sup>65</sup>

The following from the narrative of Dr. Anson G. Smythe seems worthy of preservation:

"Creek Billy, known among the Creeks as Co-hav-jo, perpetrated a homicide or murder in the Creek Nation, now [1880] in the eastern part of Alabama, at least as early as 1778. It was a law among the Creeks that a refugee from the avenger of blood was exempt from the penalties of murder after an absence of fifty years. Having taken refuge among the Chickasaws, he intermarried among them, and settled that place [the Uriah Barrow place]. At the expiration of his fifty years, he returned to his own nation. He was well known to me when he lived on Tallasseehatchie creek in the nation, and was known to the whites as 'Bit-lip Billy.' In 1836 he moved to Arkansas, and went with his tribe subsequently to the Indian nation. He had his lip bitten in a fight."<sup>66</sup>

Queen Puc-caun-la or Puck-ah-la, by the Treaty of Pontotoc, was granted an annuity of fifty dollars during her life, the money to be placed in the hands of the Indian agent, and under

<sup>60</sup> Narrative of Jas. Alex. Hunt, Nov. 13, 1880.

<sup>61</sup> Narrative of Alex. Dugger, July 21, 1870.

<sup>62</sup> *Ibid.*

<sup>63</sup> Narrative of Dr. Anson G. Smythe, Aug. 17, 1880.

<sup>64</sup> Narrative of Alex. Dugger, July 21, 1870.

<sup>65</sup> *Ibid.* The McManes place was in the southwest corner of Prentiss county, and within half-a-mile of Bethany, Lee county. One mile west of the Maj. John T. Humphrey's place, and on which the Major settled in 1840 and where he lived till he died in 1873, was the Creek Billy place, where Uriah Barrow lived.

<sup>66</sup> Narrative of Dr. Anson G. Smythe, Aug. 17, 1880.

his direction and with the chiefs' advice to be expended for her support. She was called, like Tishomingo, "old and beloved."<sup>67</sup>

The following beautiful lines are from Col. James Gordon:

"The old queen, Puc-ah-la [sic], lived in half a mile of my residence, Lochinvar. The wild cherry tree that grew in her yard still [1876] stands, and the wild birds of the forest as they feast on the purple fruit chant a requiem to the races that are gone."<sup>68</sup>

The same gentleman is authority for the following statement:

"I know the Indians had great respect for Puc-caun-la. She had a son who made trinkets of brass and gold, and was not much account."<sup>69</sup>

Cyrus Harris makes the following statement with reference to her:

"Puck-ah-la, the old queen, was not the wife of Ish-te-ho-to-pe [sic], the king, but, I suppose they were related. Some of the old queen's great-grand-children are now [1881] in this country. Puck-ah-le [sic], the queen, drew an annual pension from the Chickasaws while she lived."<sup>70</sup>

John McLish (McCleish, variously spelled), one would suppose, was related to the person of the same name mentioned in Tennessee history.<sup>71</sup> He was a fine-looking man, a quarter or half breed.<sup>72</sup> In one of the solemn treaties entered into between the United States and the Chickasaws, he was allowed a grant *because he* had "married a white woman."<sup>73</sup> He lived in the upper part of the Chickasaw Nation, and married one of Saleechee Colbert's daughters. He was a man of affairs and visited the Chickasaw agency in the edge of Alabama nearly every month,—when our narrator saw him.<sup>74</sup> Another of the old chroniclers states that he lived at Pontotoc.<sup>75</sup>

<sup>67</sup> See *U. S. Statutes-at-large*, Indian Treaties.

What relation, if any, was Puk-ah-la to Ish-te-ho-to-pa?

What relation, if any were either of them to King Chin-nub-by? Was the royal succession among the Chickasaws in the female line as it was among the Natchez? These are interesting and pertinent questions, and the writer would like to see them correctly answered.

<sup>68</sup> Col. James Gordon's "Centennial Address on History of Pontotoc," printed in (Pontotoc) *Folio*.

<sup>69</sup> Col. James Gordon to author, Oct. 25, 1903.

<sup>70</sup> Letter Cyrus Harris to author, dated "Mill Creek, C. N., Aug. 10th, 1881."

<sup>71</sup> See Putnam's *Middle Tenn.*

<sup>72</sup> Sup. Narrative of Alex. Dugger, Sept. 13, 1881.

<sup>73</sup> See *U. S. Statutes-at-large*, *Ind. Treat.*

<sup>74</sup> Sup. Narrative of Alex. Dugger, Sept. 13, 1881.

<sup>75</sup> Narrative of James Alex. Hunt, Nov. 13, 1880.



Simon Burney, an Indian, refugeeed to the whites. A cousin had killed a man, but for some reason, Burney's friends gave *him* up to die in his cousin's place. Burney fled and remained eighteen months among the whites about Cotton Gin. By paying thirty ponies he was released from the penalty he had incurred.<sup>76</sup>

It may not be too great a digression to transcribe here a charming little bit of history to enliven our dull narrative.

"James Allen was a North Carolinian, well educated and of a family in easy circumstances. He came to Nashville, intending to settle there as a lawyer, but, from some disgust, entered the Chickasaw Nation, where he soon conciliated the favor of General Colbert, a half-breed of large fortune. Allen married his daughter, Susie. Their daughter, Peggy, was very beautiful, and received numerous proposals from traders, returning from New Orleans to Tennessee, and from the sons of the other Chickasaw chiefs. The United States agent in charge of the Chickasaws, Samuel Mitchell, became deeply in love with her, but she did not return it. He applied to her grandmother, and she, considering it a very desirable match, sent off Peggy to the agency with a string of well-loaded pack-horses, and ten negroes, for her dowry. Peggy was compelled to make the journey, but she persistently refused Mitchell (saying she would never marry a drinking white man or an Indian), and after two weeks of importunity he sent her home. Just then there turned up a handsome young fellow, Simon Burney, from the neighborhood of Natchez, who loved her very deeply, and her father and herself both fearing interference by Mitchell and his friends, they were married and immediately left the nation."<sup>77</sup>

He lived on the site of Buena Vista, and was a wealthy slaveholder. He died about the time of the immigration to the West.<sup>78</sup>

For years the writer supposed that he was the only worker in the Mississippi Indian field—a lame toiler in a mighty expanse! Recent days have demonstrated others in the Choctaw part of the work, one, a specialist, but the Chickasaw investigation lags. Much could yet be done—much should be done and done quickly 'ere Oblivion sets her fatal and final seal on all investigation. No Indian tribe in the South, certainly none in our beloved Mississippi, has a richer martial history than the Chickasaw. Bancroft<sup>79</sup> calls them "the most interpid warriors of the South." It is well known that they gave shelter to the hunted Natchez, flying from the vengeful French, and, in later times, even to Whites,

<sup>76</sup> Sup. Narrative of Alex. Dugger, Sept. 13, 1881.

<sup>77</sup> "Rem. John L. Swancy" in Gallatin (Tenn.) *Examiner*, copied in Claiborne's *Miss.*, 182.

<sup>78</sup> "Gage Notes," by Halbert.

<sup>79</sup> *Hist. United States.*

such as refugee Tories, hounded by their own kith and kin. Time after time they met the Bourbon and caused the lilies of France to trail in the dust. Let us no longer neglect their history during the time they dwelt east of the Mississippi. One heritage they left us: their beautiful names, which linked to our hills and streams remain as mementoes of the never conquered race. It is a pleasure to record in Clio's blotted book that already they are a great people in the West and a worthy component part of the giant nation in whose veins flow so many diverse bloods,—the giant whose mighty hands touch the gates of Asia.

## MISSIONS, MISSIONARIES, FRONTIER CHARACTERS AND SCHOOLS.

BY HARRY WARREN.

Before giving an account of later missions to the Indians of Mississippi, it may not be improper to state briefly some historical facts which preceded their establishment.

Seven years after LaSalle's death his schemes were revived by Henri de Tonty, who recommended that Louisiana be taken and made a base for attack on Mexico, and, as the sole means of keeping the English from becoming the owners of the West. The Sieur de Rémonville, one of La Salle's friends, three years after De Tonty's recommendation to seize Louisiana, proposed that a company be formed for the settlement of that province, but his scheme amounted to nothing. The year following, Le Moyne d'Iberville offered to plant a colony in the province. His offer was accepted and he was ordered to put a fort at the mouth of the Mississippi and to leave a garrison to hold it. Already there was an initiative in London to seize upon the Mississippi. Iberville sailed with two vessels, the *Marin* and the *Badine*, and reached Pensacola in January, 1699. Two Spanish ships here would not permit him to enter the harbor. These two ships had come from Vera Cruz, for Spain had determined to hold the Mississippi if she could. The Spaniards had already landed some men and built a fort in Florida. Iberville left the Spaniards and coasted along the margins of the present states of Alabama and Mississippi. About the beginning of March, he reached the Mississippi, which he entered; and, on the third of the month, he encamped about twelve leagues from its mouth. In a few days he reached a village of the Bayagoula Indians. The chief of the tribe wore a blue cape which he declared had been given him by Henri de Tonty, thirteen years before. Le Moyne de Bienville, who had accompanied his brother, Iberville, some days afterwards brought the latter a letter from Tonty which had been left with another chief. This letter was to have been delivered



to La Salle upon his arrival. Bienville had bought the letter for a hatchet.<sup>1</sup>

The French continued their explorations to the place where Red river empties into the Mississippi. When Iberville and Bienville arrived at Bayou Manchac on their return from the mouth of Red river they separated. Bienville was ordered to descend the river to the French ships. Iberville went through Bayou Manchac to the lakes now known as Pontchartrain and Maurepas. He returned to his ships, and it was afterwards resolved to make a settlement at the Bay of Biloxi. A fort was erected, and Sauvolle, one of Iberville's brothers, was placed in command of it. Iberville himself sailed for France. Sauvolle, left in command of the fort, undertook to learn something of the native Indians, and despatched Bienville with some of his men to visit the Colapissas. A chief of the Bayagoulas went along as guide. The Colapissas "inhabited the northern shore of Lake Pontchartrain, and their dominions embraced the sites now occupied by Lewisburg and Fontainebleau."<sup>2</sup> On seeing the approach of Bienville, they arranged themselves as if for battle. Bienville stopped and sent his guide forward to inquire the cause of this hostile demonstration. The Colapissas replied that some days before two white men, whom they took to be Englishmen from Carolina, came at the head of a Chickasaw party of two hundred, attacked their village, and carried away some of their people captive, and they had at first thought Bienville and his white companions were Englishmen. The Bayagoula chief told them that those who now came to visit them were French, and enemies of the English, and that their object in coming to the village was to solicit their amity and the alliance of its inhabitants. The Colapissas laid down their arms and entertained the French with cordiality. Bienville made them some presents and exchanged with them mutual promises of friendship and support.<sup>3</sup> He returned to the fort; and, after a rest, went to the Bay of the Pascagoulas. He ascended the Pascagoula river, on the banks of which lived a branch of the Biloxis, and some Moelobites. The Indians displayed a friendly disposition, and

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<sup>1</sup> Francis Parkman's *A Half Century of Conflict*, Vol. I.

<sup>2</sup> Gayarré's *La. See Margry.*

<sup>3</sup> Martin's *La. See Margry.*

Bienville paid even the Mobilians a visit, who entertained him hospitably.

Sauvolle and his men in their fort at Biloxi were visited in 1699 by two priests, Fathers Davion and Montigny. Father Montigny was living with the Taensas, within the domains of the modern parish of Tensas in Louisiana, and Father Davion was living with the Yazooos in the present State of Mississippi.<sup>4</sup> How did it happen that these two soldiers of the Cross were living in such isolation among savage Indian tribes, in hourly danger of being massacred?

The great discoveries of La Salle and others had disclosed to the eyes of the priesthood the great fields of missionary work among the Indians. On his celebrated voyage down the Mississippi, he was accompanied by Father Zenobius Membré, a man of great mildness and zeal. They reached the Arkansas tribe in March, 1682, and Membré was delighted with the manners of that tribe. He planted a cross, and tried, chiefly by signs, to give them some idea of that religion of which he was a zealous priest. The voyagers passed beyond the point reached by Marquette. The Taensas, sun-worshippers, were reached on March 22nd. These natives were partly civilized, and had eight populous villages. Here, too, the pious priest endeavored to teach the benighted savages to look higher than the sun and fire, to "Him that made them, more beautiful and mightier than they." The Natchez and Tangibaos were also visited. La Salle's party then went down to the sea and returned.

The Bishop of Quebec and his clergy resolved to enter the vast missionary field which had been opened by the devoted Marquette. In Canada there existed an institution founded by Laval, the first Bishop of Quebec. This was the Seminary, an affiliation of the Seminary of Foreign Missions at Paris. The fathers of the Seminary of Quebec desired to do something for those Indian tribes who had no permanent religious establishments of the Christian faith among them. Bishop St. Vallier "authorized them to establish missions in the West." Fathers Francis Joliet de Montigny, Anthony Davion, and John Francis Buisson de Saint Cosme were selected to found the new missions on the Mississippi. Nearly half the expenses of the outfit for

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<sup>4</sup> Gayarré's *La.*

this enterprise was met by Montigny and Davion; and the cost of the outfit in money was over ten thousand livres. The party set out, and on the fifth of December, 1698, entered the Mississippi. Guided by Tonty, they visited the Tamarois, and then descended to the villages of the Arkansas, the Tunicas, and the Taensas tribes, erecting crosses at various places. Father Montigny was charmed with the dispositions of the Taensas.<sup>5</sup> They had houses built of earth and straw, and many articles of furniture not found among northern tribes of Indians. They had a temple in which they worshipped nine gods. Father Montigny selected this as his station.

Father Davion took up his residence, and established a chapel on a hill near the Tunica village, "at the foot of a cross planted on a rock which for a long time bore his name." The place was called "Roche á Davion," afterwards "Loftus Heights," afterwards "Fort Adams." Davion labored among the Ounspik and Yazoo Indians, who had together about a hundred wigwams.

Saint Cosme ascended the Mississippi to begin a mission at the Tamarois.

The priests, learning at the Red river of a French settlement at the mouth of the Mississippi, determined to find it. Fathers Montigny and Davion, after a ten days' trip, suffering greatly for water, reached Biloxi on July 1st. They found their countrymen ill-prepared in the way of provisions, and remained but a few days. They soon set out for their posts with presents for the Great Sun of the Natchez, wine for mass, flour and some tools.

While acquiring a knowledge of the Taensas dialect, Montigny visited the Natchez and was there when the Great Sun died. Seeing the savages preparing to put to death several persons in order that they might attend the Great Sun in the other world, the good priest made presents to the tribe to get them to forego such a custom. The Natchez agreed, but the Female Sun persuaded the priest to leave the village for a time, pretending that the noise would annoy him. After he had gone, the barbarous custom was again carried out.

The next year, 1700, the Seminary sent out Fathers Bergier, Bouteville and Saint Cosme, the latter a younger brother of the missionary at the Tamarois, but not yet a regularly ordained

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<sup>5</sup> Sometimes spelled Tensas.



priest. The elder Saint Cosme went to the Natchez on the arrival of his brethren. The Jesuit missionaries received the Quebec missionaries with politeness, but showed much opposition to what they regarded as an intrusion into their field of work. Before long Father Montigny found his position so unpleasant that he began to see failure in the mission on which he had spent his means so generously. He returned to France with d'Iberville in 1700, hoping to regulate his mission affairs satisfactorily. When he left, Father "Bergier became Superior of the secular missions on the Mississippi Valley, and made Tamarois his residence, Rev. Mr. St. Cosme remaining at Natchez." Father Montigny never returned to America. He went East where his services in the cause of religion were signal.<sup>6</sup>

In the fall of 1702, fathers Davion and De Limoges, who lived among the Natchez, went to Mobile and informed Bienville that the Coroas had killed their colleague, Father Foucault, and three other Frenchmen above the Yazoo river.<sup>7</sup> Nicholas Foucault had arrived in 1701, and in 1702 was laboring among the Tunicas and Yazoos. He set out for the fort with three Frenchmen, and was attended by young Coroas. These two savages effected the death of the entire party near the Tunica villages. On learning of the death of Foucault, Davion, the missionary among the Tunicas, and De Limoges, from the Oumas (Humas), considered it no longer wise to remain in such an exposed situation. They went down to the French fort where they arrived on the first of October. The governor determined to exact reparation for the murder. This made a return for the priests still more perilous.<sup>8</sup>

It was in 1703 that Father Saint Cosme with three companions was descending the Mississippi, to make a visit to St. Denis, who commanded a fort at or near the mouth of the river. Saint Cosme passed Natchez in safety, but went further down to a place where there had been a Bayougoula village. The Bayougoulas and the Chetimachas were then at enmity, and the latter

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<sup>6</sup> See Shea's *Catholic Church in Colonial Days*; Shea's *History of the Catholic Missions Among the Indians of the United States*; Claiborne's *Miss.*; French accounts in *Margry*.

<sup>7</sup> See *Margry*; Martin's *La.*; Pickett's *Ala.*

<sup>8</sup> Shea's *Cath. Missions Among Indian Tribes U. S.*

masacred the entire party, except a little slave. Bienville heard of the crime, and St. Denis, with ten Frenchmen and 200 Oumas, Ouachas, and Bayogoulas. set out to punish the Indians. Fifteen Chetimachas were killed, and others were wounded and captured. Among the captured was one of the murderers. Bienville had his head broken. His scalp was afterward taken off and his body thrown into the river. Bienville even went so far as to offer a fixed price for each Chetimacha or Alibamon scalp or prisoner delivered to him.<sup>9</sup>

Some Choctaws brought the scalps of five Alabamons. From the Choctaws and some Chickasaws, Bienville was informed that a number of Englishmen were busily endeavoring in their villages to draw off these Indians from their alliance with the French.

Father Davion, who had recently come down the river, was still at the fort, and it was deemed hazardous to allow him to return; and, in November, 1704, two chiefs of the Tunicas came to escort him back. Bienville told the chiefs that he could not consent to the return of the priest to the Tunicas till they had avenged the death of Father Foucault, murdered by the Coroas, at the instigation of the English; and he expected them to seize the traders of that nation, and bring them and their goods to Mobile. He proposed to furnish them with ammunition. His offer was accepted, and St. Denis offered to go with them, accompanied by twelve Canadians. The party was to be supported by Lambert, another Canadian, who was going back to the Wabash with forty of his neighbors. The Tunica chiefs left, having promised to meet St. Denis at the Natchez. Bienville ordered some boats built, but before they were completed, news came that the French settlements on the Wabash had been entirely destroyed by the Indian allies of the British. Lambert gave up the intended trip, and it was considered too dangerous for St. Denis to go without the anticipated escort. So the project was abandoned.

Shea makes the following statement:

"At last, however, in December, 1704, the Tonicas sent their deputies to Mobile to beg Davion to return and instruct them. Although they had hitherto shown little regard to his teaching, he finally yielded to their

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<sup>9</sup> Hamilton's *Colonial Mobile*; See *Margry*.

solicitations and returned, but resolved to adopt a different course from that he had hitherto pursued. He spoke freely and boldly, denouncing their vices and idolatry, and urging them to embrace Christianity. Finding them deaf to his exhortations, he destroyed their temple and quenched their sacred fire. Incensed at this, they drove him from their village, but were so indifferent in reality that they took no steps to rebuild their sacred edifice, and soon after invited Davion to return."<sup>10</sup>

Father Davion kept up his Tunica mission till 1708, when some Indians on the side of the English threatened it, and he went to Mobile. He left Louisiana in 1725, and died among his relatives in France in 1726.<sup>11</sup>

The "Company of the West" obligated itself, in an article in one of its contracts, to erect churches at the places where settlements were formed and to maintain there the necessary quota of approved ecclesiastics. The Company took up the matter in 1722. The year before Father Charlevoix had passed through the North American French provinces, and after his return to France had told of their religious destitution. As a consequence, the Company took the following measures:

The Jesuit priests would leave the southern part of the Mississippi Valley and labor north of the Ohio; the Bishop of Quebec would still be the bishop of the whole French colony, but would be allowed a co-adjutor-bishop, who, as vicar-general of the Quebec diocese, would superintend the very southern missions. Rev. L. F. Duplessis de Marnay, a Capuchin, was named Co-adjutor-Bishop of Quebec. He invited some Capuchin priests from France to take charge of the Louisiana missions. They accepted, and some Capuchin priests did arrive in Louisiana, but they soon saw that there were not enough of their order to give proper care to the missions, and the Company arranged that the Capuchin fathers should take charge of the *French* settlements only, and the *Indian* missions should be given to Jesuits from France. Rev. Philibert, Capuchin, was appointed to the Natchez; Rev. Matturin Le Petit, Jesuit, to the Choctaws; Rev. Souel, Jesuit, to the Yazoo; Rev. Beaudouin, to the Chickasaws. Rev. Le Petit was afterwards called to New Orleans, and Rev. Beau-

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<sup>10</sup> Shea's *Hist. Cath. Missions Among Indian Tribes U. S.*

<sup>11</sup> See Shea's *Cath. Church in Col. Days*; Shea's *Hist. Cath. Missions Among Indian Tribes U. S.*



douin<sup>12</sup> went to the Choctaws, where he worked eighteen years, aided by Rev. Lefevre for some time.<sup>13</sup>

Shea says:

"The Choctaw mission, the fourth of those begun by the Jesuits in Louisiana [what was then Louisiana], was the most exposed and difficult of all. It was founded by Father le Petit, but he was replaced prior to 1730 by Father Baudouin. The Choctaws, though allies of the French, and battling with them against the Natchez were a wild and lawless band, and could not be relied upon. The missionary acquired no ascendancy over them; he could not even obtain from their hands the church plate and vestments recovered from the Natchez and Yazoo. Desperate, however, as his mission was, Baudouin persevered for eighteen years on the unproductive field. Of his struggles during that period we have no record. A letter of his from the Indian town of Tchicachee, dated November 23, 1732, is still preserved in Paris in the Archives of the Marine and Colonies, and is said to be an interesting account of his mission, but it has never been copied."<sup>14</sup>

The names of Fathers Souel and Doutreleau, the former a martyr, richly deserve to be remembered in this sketch.

It was in 1729 that the Louisiana colony received her withering blow from the Natchez Indians, caused chiefly by the avarice of the French and the folly of Chopart, Chepart, or Etcheparre,<sup>15</sup> who commanded the French settlement near Natchez, not far from the White Apple village. The conduct of Chopart who was tyrannical and haughty to the whites under him, and cruel to the Indians, angered the Natchez, and they

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<sup>12</sup> Father Beaudouin's mission appears to have been at Chickasawhay Town. The Indians reported to Mr. H. S. Halbert, so the latter wrote the author, that Chickasawhay Town was located about three miles north of the modern town of Enterprise, Miss.

From Bossu it is learned that Nicolas Le Febre was chaplain at Fort Tombeckbé about 1759. He was born in Belgium in 1705—a Jesuit. The site of this fort was near the modern Epes Station on the A. G. S. R. R. on the peninsular piece of land between the river and a brook running into it—about 100 yards above the place where the A. G. S. R. R. crosses the Tombigbee. Hamilton's *Col. Mob.*

When Rev. Guyenne went on the mission to the Alibamons in 1726, Rev. Maturin Le Petit went among the Choctaws. Rev. Michael Beaudouin, Canadian, came to Louisiana in 1726. In 1747 he was promoted to be Vicar-General of the Bishop of Quebec. See Hamilton's *Colonial Mobile and Haldimand Pap.*

<sup>13</sup> Father B. J. Bekkers in *Pubs. Miss. Hist. Soc.*, Vol. VI., 354. The author has in his possession a translation of a letter written by Rev. Beaudouin while among the Choctaws, to Mr. Salmon, dated, "From the Tchicachee 23 9 ber, 1732."

<sup>14</sup> *Shea's History Catholic Missions Among Indian Tribes of the U. S.*

<sup>15</sup> The names are given in Gayarré's *La.*

determined to destroy the French. On the 29th of November the massacre took place. The Natchez slew 250 of the French, besides taking many women and negroes prisoners. Two of the Frenchmen were spared, a carpenter and a tailor. For the particulars of the brutal massacre and the consequent destruction of the Natchez as a nation, by the French, the reader is referred to the chronicles of Louisiana history.

Father Le Petit,<sup>18</sup> the learned Jesuit priest, wrote to Father D'Avagour:

"Some of the French escaped the fury of the Indians by taking refuge in the woods, where they suffered extremely from hunger and the effects of the weather. One of them on arriving here, relieved us of a little disquietude we felt in regard to the post we occupy among the Yazooos, which is not more than forty or fifty leagues above the Natchez by water and only fifteen to twenty by land. Not being able to endure the extreme cold from which he suffered, he left the woods under cover of the night, to go and warm himself in the house of a Frenchman. When he was near it he heard the voices of Indians, and deliberated whether he should enter. He determined, however, to do so, preferring rather to perish by the hands of these barbarians than to die of famine and cold. He was agreeably surprised when he found these savages ready to render him a service, to heap kindness upon him, to commiserate him, to console him, to furnish him with provisions, clothes and a boat to make his escape to New Orleans. These were the Yazooos, who were returning from chanting the calumet at Oumas. The Chief charged him to say to M. Perrier, that he had nothing to fear on the part of the Yazooos, that 'they would not lose their spirit,'—that is, that they would always remain attached to the French, and that they would be constantly on the watch with his tribe, to warn the French boats descending the river, to be on their guard against the Natchez.

"We believed, for a long time, that the promises of this Chief were very sincere, and feared no more Indian perfidy for our post among the Yazooos. But learn, my reverend father, the disposition of these Indians, and how little one is able to trust their words, even when accompanied by the greatest demonstrations of friendship. Scarcely had they returned to their own village, when loaded with presents they received from the Natchez, they followed their example and imitated their treachery. Uniting with the Corroys [Coroas or Koroas], they agreed together to exterminate the French. They began with Father Souel, the missionary of both tribes, who was then living in the midst of them, in their own village. On the 11th of December, Father Souel was returning in the evening from visiting the chief, and while in a ravine, received many musket balls, and fell dead on the spot. The Indians immediately rushed to his cabin to plunder it. His negro, who composed all his family and all his defence, armed himself with a wood-cutter's knife to prevent the pillage, and even wounded one of the savages. This zealous action cost him his life, but happily less than a month before he had received baptism, and was living in a most Christian manner.

"These Indians, who even to that time seemed sensible of the affection which their missionary bore them, reproached themselves for his death, as

<sup>18</sup> Maturin Le Petit, Jesuit priest, went, in 1726, as a missionary among the Choctaws. See Hamilton's *Col. Mob.*, and *Church Records of Mobile*.

soon as they were capable of reflection; but returning again to their natural ferocity, they adopted the resolution of putting a finishing stroke to their crime, by the destruction of the whole French post. 'Since the Black Chief is dead,' said they, 'it is the same as if all the French were dead; let us not spare any.' The next day they executed their barbarous plan. They repaired, early in the morning, to the fort," which was not more than a league distant, and whose occupants supposed, on their arrival, that the Indians wished to chant the calumet to the Chevalier des Roches, who commanded that post, in the absence of M. de Codere. He had but seventeen men with him, who had no suspicion of any evil design on the part of the savages, and were, therefore, all massacred, not one escaping their fury. They, however, spared the lives of four women and five children, whom they found there, and whom they made slaves. One of the Yazooos having stripped the missionary, clothed himself in his garments, and shortly after announced to the Natchez that his nation had redeemed their pledge, and that the French, settled among them, were all massacred. In this city, there was no longer any doubt on that point, as soon as they learned what came near being the fate of Father Dourleau. This missionary had availed himself of the time when the Indians were engaged in their winter occupations, to come and see us, for the purpose of regulating some matters relating to his mission. He set out on the first of this year, 1730, and not expecting to arrive at the residence of Father Souel, of whose fate he was ignorant, in time to say mass, he determined to say it at the mouth of the Little Yazoo river, where his party had cabined.

"As he was preparing for the sacred office, he saw a boat full of Indians landing; they demanded from them of what nation they were. 'Yazooos, comrades of the French,' they replied, making a thousand friendly demonstrations to the voyagers, who accompanied the missionary, and presenting them with provisions. While the father was preparing his altar, a flock of bustards passed, and the voyagers fired at them the only two guns they had, without thinking of re-loading, as mass had already commenced. The Indians noted this, and placed themselves behind the voyagers, as if it was their intention to hear mass, although they were not Christians. At the time the father was saying the *Kyrie Eleison*, the Indians made their discharge; the missionary, seeing himself wounded in his right arm, and seeing one of the voyagers killed at his feet, and the four others fled, threw himself on his knees to receive the fatal blow, which he regarded as inevitable. In this posture he received two or three discharges, but although the Indians fired while almost touching him, yet they did not inflict on him any new wounds. Finding himself then, as it were, miraculously escaped from so many mortal blows, he took to flight, having on, still, his priestly garments, and without any other defense than entire confidence in God, whose particular protection was given him, as the event proved. He threw himself into the water, and after advancing some steps, gained the boat, in which two of the voyagers were making their escape. They had supposed him to be killed by some of the many balls which they had heard fired on him. In climbing up into the boat, and turning his head to see whether any one of his pursuers was following him too closely, he received, in the mouth, a discharge of small shot, the greater part of which were flattened against his teeth, though some of

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"Gayarré (*Hist. La.*) says: "The fort which the French had built among the Yazooos, was called St. Claude. Its commander, Du Coder, being on a visit to the French at Natchez, when they were butchered, shared their fate. The Yazooos had no difficulty in taking by surprise the fort of St. Claude, which had a garrison of only twenty men, whom they killed, together with the few families who had settled around, under the protection of the fort."



them entered his gums and remained there for a long time. I have, myself, seen two of them. Father Doutreleau, all wounded as he was, undertook the duty of steering the boat, while his two companions placed themselves at the oars; unfortunately one of them, at setting out, had his thigh broken by a musket ball, from the effects of which he has since remained a cripple. \* \* \* As soon as they found themselves freed from their enemies, they dressed their wounds as well as they could, and for the purpose of aiding their flight from that fatal shore, they threw into the river everything they had in their boat, preserving only some pieces of raw bacon, for their nourishment. It had been their intention to stop, in passing, at the Natchez, but having seen that the houses of the French were either demolished or burned, they did not think it advisable to listen to the compliments of the Indians who, from the bank of the river, invited them to land. They placed a wide distance between them as soon as possible, and thus shunned the balls which were ineffectually fired at them. It was then that they began to distrust all the Indian nations, and, therefore, resolved not to go near the land until they reached New Orleans, and supposing the savages might have rendered themselves masters of it, to descend even to the Balize, where they hoped to find some French vessel provided to receive the wreck of the colony. \* \* \* I cannot express to you, my reverend father, the great satisfaction I felt at seeing Father Doutreleau, his arm in a scarf, arrive (in New Orleans) after a voyage of more than four hundred leagues, all the clothes he had on having been borrowed, except his cassock. My surprise was increased at the recital of his adventures. I placed him, immediately, in the hands of Brother Parisel, who examined his wounds, and who dressed them with great care and speedy success. The missionary was not yet entirely cured of his wounds, when he departed to act as chaplain to the French army, as he had promised the officers, in accordance with their request."

Some time toward the close of the eighteenth century, the Congregationalists in the State of New York sent Rev. Mr. Bullen with two deacons to work as missionaries among the Chickasaws. They located, and put up some buildings at a spring about a mile distant from where Monroe church stood (about six miles south of Pontotoc) in 1876. They opened some mechanic shops there, and tried, though in vain, to hire a suitable interpreter, and were preparing to have a school and church when some imprudences of the two deacons put an end to the mission. The prejudice of the Indians was aroused, and their authorities asked Rev. Mr. Bullen and his comrades to retire from the country. Malcolm McGee often told the circumstances to Rev. T. C. Stuart, and said Mr. Bullen appeared to be a good man, and no complaint was ever made against him. But the Indians took exception to the conduct of his two helpers and resolved to put a stop to the mission before anything of importance was accomplished. After Monroe Station became known, a Memphis merchant sent Rev. T. C. Stuart a hogshead of Testaments and Bibles. He said that the hogshead had lain in his warehouse for over twenty-five

years, that of its history no one knew anything, "but that it was directed to the Chickasaw Nation."<sup>18</sup> Undoubtedly it had been sent to Rev. Mr. Bullen. But the Bibles were all worm-eaten and valueless.<sup>19</sup>

In the year, 1819, the Presbyterian Synod of South Carolina and Georgia resolved to established a mission among the Indians east of the Mississippi river. Rev. David Humphries offered to take charge of the intended mission. He says:

"The Rev. T. C. Stuart and myself were appointed by the Synod, early in the year, 1820, as exploring agents, first to visit the Creek Nation and lay the object of the Synod fully before them. When the matter was brought before their large council, and fully explained through an interpreter, they expressed a desire to have schools among them, and to have their children taught, but they expressed fears that there was something behind which they did not understand. It might be to get a foot-hold among them, and then make efforts to get their lands. They rejected the offer, and assigned this as a reason."<sup>20</sup>

Humphries and Stuart then journeyed through Alabama and Mississippi, and proposed to established a mission among the Chickasaws.

"We therefore, set our faces for the distant West, and passing through the new settlements of Alabama, by way of Fort Jackson, Falls of Cahawba, Tuscaloosa, and the little villages of Columbus, Mississippi, and Cotton Gin Port, we crossed the Tombecbee river, and entered the Chickasaw Nation, forty-one years ago this day [that is they entered on July 8, 1820], and found ourselves at the hospitable mansion of old Levi Colbert, the great man of his tribe. This was Friday evening. We soon learned that a great ball play was to come off on the following Monday, at George Colbert's, some twenty-five miles distant, and that a large company was going up the next day. \* \* \*

"There being a large collection of Indians from all parts of the nation, we had no difficulty in securing the attendance of the chiefs in council at an early day. Accordingly, we met them at the house of Major James Colbert, the following Wednesday, being the 22d of the month. You remember their young king was conducted to the chair of State that day for the first time, as King of the Chicasaw Nation.<sup>21</sup> He was an ordinary Indian, and never opened his mouth during the council. They very readily acceded to the terms upon which we proposed to establish schools among them; and, that there might be no misunderstanding in future, we drew up a number of articles, which were signed by the contracting parties."<sup>22</sup> \* \* \*

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<sup>18</sup> Rev. F. Patton in *Reminiscences Chickasaw Indians*.

<sup>19</sup> *Ibid.*

<sup>20</sup> Rev. David Humphries in *The Southern Presbyterian*, on "Indian Missions," in letter dated, "Rock Mills, South Carolina, July 8, 1861."

<sup>21</sup> This must have been Ish-te-ho-to-pa.

<sup>22</sup> Rev. David Humphries in *The Southern Presbyterian*. The scrap of newspaper on which the Humphries letter, or part of it, was, was illegible in one or more places. It was furnished me by Mrs. Jane Stewart, daughter of Rev. T. C. Stuart.

During this journey Mr. Humphries concluded that he was not called to preach to the Indian. He lived to labor for many years among the churches of his native State. Messrs. Humphries and Stuart made their report to the Synod in the fall (1820).<sup>28</sup> Mr. Stuart offered to take charge of the work. The Synod accepted his services, and in January, 1821, he reached the place which was chosen for a station. It was called Monroe Station in honor of James Monroe, who was then President of the United States. Stuart was the only missionary. Two men with families came, Vernon and Pickens; Vernon as mechanic, and Pickens as farmer. Houses were put up, a farm opened and a school established. The preaching was done through an interpreter. Other missionaries came at different times to assist Stuart:—Rev. Hugh Wilson in 1821 from North Carolina; Rev. W. C. Blair in 1822 from Ohio; James Holmes of Pennsylvania in 1824. Wilson and Blair, after the removal of the Indians to the West, went to Texas. Mr. Holmes was licensed to preach after he came to the Mission as teacher. He became a Doctor of Divinity, and taught a classical school at Covington, Tenn., for some years. He died at an advanced age.

Timothy Butler lived in the State of New York near the headwaters of the Alleghany river. He learned that a new mission established among the Chickasaws needed more workers. He was poor, but went to a point on the Alleghany river, and there, mainly with his own hands, built a flat boat. On it he placed his family and possessions, and floated down to the Ohio; then to the mouth of the Tennessee. There he boarded a steamboat, and stopped at Florence, Ala. Thence he went to Monroe Station. He became useful to the missionaries. Monroe Station was abandoned after the Chickasaws moved to the West. Monroe church, six miles south of Pontotoc, is several miles from the old Station.

In 1823, the Missionary Society of South Carolina sent Rev. Hugh Dickson to visit and report on the condition and prospects of the mission at Monroe Station. He arrived in May. The Missionary families who resided there requested Mr. Dickson to organize them into a church. On June 7, 1823, the organization

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<sup>28</sup> *Ibid.*



took place, and in the number were: Hamilton V. Turner, Susan Stewart, James Wilson, Ethalinda Wilson, and Prudence Wilson. Dinah, a colored woman, who was born among the Indians was a servant of James Gunn, was received on a profession of faith. She became greatly concerned about her future fate during the earthquakes in 1811-12, and began to try to lead a better life. When regular preaching was established she became a listener, and on the day the church was organized was received as a member. She then resolved to learn to read, which resolution she soon carried into effect. She became a reader of the Bible, and carried a New Testament around with her. The Indians had great confidence in her sincerity, and her influence among them was great. For several years she was the principal interpreter for the missionaries. Her native tongue was Indian, though she spoke English fluently. She delivered the messages of the missionaries with great earnestness. By small savings, she got money enough together to buy her freedom, and then assisted her husband to get his.<sup>24</sup>

It is to be noticed that William Colbert, a grandson of the Scotchman who went among the Chickasaws at an early day, became one of the elders in the Monroe church, as appears by the session books of April, 1834. The missionaries preached at other places besides Monroe Station. Although that place was the centre of their operations, they preached from house to house and had stations at distant places which they visited.<sup>25</sup>

About the time that the Synod of South Carolina and Georgia were agitating the subject of sending missionaries to the Chickasaws, the Synod of the Cumberland Presbyterian church in Tennessee determined to send missionaries to that nation. Rev. Robert Bell then resided in Monroe county, Miss., not far from the Indian border. He was induced to assume charge of the Cumberland mission. He made a visit to James Colbert soon

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<sup>24</sup> Nearly all of these statements are taken from the articles of the Rev. F. Patton, who acted as the amanuensis of Rev. T. C. Stuart.

<sup>25</sup> In a letter to the author of this article, written from Tupelo, Miss., July 27, 1881, Mrs. M. J. Stewart, daughter of Rev. Thomas C. Stuart, says: "There was a mission station established by my father, who was superintendent of all the stations among the Chickasaws, at a place known as 'Pigeon Roost,' in Marshall county. The station was called Martyn, and was first occupied by the Rev. W. C. Blair, of Ohio, and afterwards by Rev. James Holmes, of Pennsylvania."

after Messrs. Humphreys and Stuart had left to go back home. Colbert showed Bell the written agreement between the Chickasaws and the missionaries. Bell got a copy of this agreement, and, with the necessary alterations, a similar one was adopted by the Chickasaw council with reference to the Cumberland missionaries. So that, in the year, 1820, the Chickasaws granted two charters in nearly the same language for two different missions. Bell, having gotten this grant, went home and at once moved to Cotton Gin and took hold of his missionary work. When Mr. Stuart got to Monroe Station in January, 1821, he received intelligence that the Cumberland Presbyterians were already at work. The South Carolina brethren were the first to get permission to come, but the Tennessee brethren were nearer the Chickasaws and were the first in the field. "Mr. Bell established a school and preached to the Indians."<sup>26</sup> The Cotton Gin and Monroe Station missions continued till the Chickasaws were removed to the West<sup>27</sup> in 1837. In 1834 Mr. Bell settled near Pontotoc, Miss., where he lived the remainder of his days.<sup>28</sup> He taught an Indian school, two and a half miles northeast of Cotton Gin Port. John Bell was his son and a nephew of United States Senator Bell, of Tennessee.<sup>29</sup>

In the French and Indian War most of the Northwestern Indians took sides with France against England. Braddock's defeat and the bloody barbarities along the western frontier of the English colonies was a result of the French-Indian coalition. At this period, a white man, known to the Indians as Major McIntosh was sent by the British to visit the Chickasaws for the purpose of keeping alive their old hostility to the French. Not much is known of McIntosh's diplomacy, but the Chickasaws remained in amicable relations with the English. When the war was ended, McIntosh stayed with the Chickasaws. He married a native and became a person of importance among the simple people of the forest. He found the whole Chickasaw nation residing in one big village. He persuaded them to scatter out more. He planted a colony south of Pontotoc at a place

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<sup>26</sup> Rev. F. Patton.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> Col. James Gordon.

called "Tocshish," put down on old maps as "McIntoshville." We are told that "this colony became the favorite residence of the renegade white men and half-breeds."<sup>80</sup> There was a higher civilization, more wealth and intelligence in the Tocshish settlement than in any other part of the Nation. McIntosh established a stock farm at Toccopola, where, for some years, his crop was destroyed by "bands of Buffalo."<sup>81</sup> He visited Hot Springs, Ark., about 1816, to recover his health. He died at a very advanced age, and was buried there.

After the Revolutionary War many Loyalists took refuge with the Indian tribes; some became citizens among the Chickasaws. The early white settlers were familiar with the names of Allen, Love, and Pickens.

Little is known of Allen. He succeeded Major McIntosh in the possession of the old farm at Tocopola.

Thomas Love was the father of Ben, Henry, Isaac, and Slone Love,<sup>82</sup> Chickasaw chiefs.

Pickens was a distant relative of the Patriot of the same family name, who did such good work for the colonies in South Carolina. As his relatives were all Whigs, and he was a Tory, he left the country after the Revolution, and his nearest relatives did not know what became of him. A younger brother went to Monroe Station with Rev. Thomas C. Stuart, and took charge of the Mission farm at that place. He found his brother's grave, after some time, near old Monroe Station. The refugee Loyalist had married an Indian woman, and raised a respectable offspring. Some of his descendants were prominent among the Chickasaws, as late as 1876. He married a second time, and the history of his second wife is connected with that of Bernard McLaughlin, a native-born Irishman, who, in his youth was a good classical scholar and who had been educated for a high position in life. He came to America, landing at New Orleans. He became, for a time a resident of Natchez, Miss. After the close of the War of 1812, he determined to hunt for a new home in Kentucky. He was journeying along the old Natchez Trace with this intention, when he heard that the Creeks had made a raid on the Chickasaws, and

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<sup>80</sup> Rev. F. Patton.

<sup>81</sup> *Ibid.*

<sup>82</sup> Cyrus Harris.



that it was dangerous for him to go farther. He sought shelter under the Pickens' roof, fell in love with the young widow and married her. This settled him among the red men for life. When the Indians moved to the West, McLaughlin went with them. His early training prepared him for a sphere of usefulness in some cultured community, but he became to all intents and purposes a naturalized Indian, and his descendants, by blood as well as manners, were Indian.<sup>33</sup>

One of the most interesting refugee Loyalists was James G. Gunn. He, too, found an asylum and a Chickasaw wife after the Revolution, his new home being among the Chickasaws in what was afterwards Lee county, Miss. He was a native of Virginia, but fought for George III. A town in Lee county bears his name, "Guntown." He first settled in what was afterwards Pontotoc county, near Tocshish. He became wealthy and owned many negro slaves, but allowed no idleness or fun on his premises on the 4th of July. To the end of his long life he celebrated the birthday of George III. He died in 1826. For a number of years some of his descendants lived near Guntown, and it may be, many of them still live in that part of the State. The beautiful Rhoda Gunn, "the belle of the Chickasaws, and the fairest rose that bloomed in the wilderness,"<sup>34</sup> she

"Whose glossy locks to shame might bring  
The plumage of the raven's wing."

was a daughter of the loyal Gunn,<sup>35</sup> and passed her childhood years in Lee county.<sup>36</sup> She married Samuel Colbert of mixed blood, but they separated. She had one child by Colbert,—a girl, who grew up, married and left the county. Rhoda, after her separation from Colbert, married Joseph Potts, a white man, by whom she had two sons:—Taylor and Joseph. Molly Gunn, Rhoda's mother, previous to her marriage to James Gunn, was married to Oxberry, a Cherokee. A daughter of Molly and

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<sup>33</sup> Rev. F. Patton.

<sup>34</sup> Rev. F. Patton in "Fourth of July Address" at Tupelo, printed in *The Tupelo Journal*.

<sup>35</sup> Cyrus Harris.

<sup>36</sup> Rev. F. Patton's address.

Oxberry became the mother of Cyrus Harris. Mrs. Potts died in 1879.<sup>37</sup>

Malcolm McGee who was a prominent character in the Chickasaw Nation, was born in New York City of Scotch parents, about the year, 1747. Soon after his arrival in America, McGee's father enlisted in the colonial army against the French, and fell at Ticonderoga. Little Malcolm was born a few months after his father's demise. Great stories were told of the Illinois prairies, and his mother determined to cast her lot with some adventurers who were leaving for that country. The party made the journey, and the young mother found herself in the new land very poor. Major McIntosh visited the feeble colony about this time, and his sympathy was excited by the young widow, his country woman. Young Malcolm, now about ten years old, was given over to his care. The child had never seen his father, and now he left his mother whom he never again beheld, and followed McIntosh to the wilds of the Chickasaw country. When young McGee was nearly grown, McIntosh took him to Mobile and placed him in a French family to be sent to school, but when some Indian traders visited Mobile, Malcolm saw them, attached himself to their party and traveled back to the Indian country. He did not go to the home of McIntosh, but remained some years with the Choctaws. He here married a Choctaw woman. After he became the father of a family, he returned to the Chickasaws. It appears that he visited the "Father of his country." He related many anecdotes of George and Martha Washington whom he admired very much.<sup>38</sup> He became very much attached to Rev. T. C. Stuart, and lived about ten or twelve years in a little house in Mr. Stuart's yard. About 1848 his son-in-law, William R. Guy, and daughter, Mrs. Jane Guy, made him a visit, and he went with them to the Indian Territory. He died at the age of over one hundred years, near Boggy Depot, Choctaw Nation, I. T.<sup>39</sup> He was the step-father of Cyrus Harris.<sup>40</sup>

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<sup>37</sup> Cyrus Harris.

<sup>38</sup> Rev. F. Patton.

<sup>39</sup> Cyrus Harris.

<sup>40</sup> *Ibid.*

Colonel Gordon says of him:

"I knew old Malcolm McGee, the Scotchman, well. He lived with Parson Thos. Stuart a number of years after the exodus, and I boarded with Parson Stuart and roomed with McGee while at school at Tocsish,—a *grub*—[that is, a *root*] when a small boy. It was the only school in the county."<sup>41</sup>

In 1818 Revs. Kingsbury, Gleason, Touse, Hooper and Cushman, with their families, Dr. Pride and Misses Foster, Burnham and Thacher, settled near the modern Mayhem Station, on the Mobile and Ohio Railroad. They named their settlement "Mayhew." After laboring several years at Mayhew, Mr. Cushman was induced to remove ten miles to the west of that place and establish the mission of Hebron, three miles from the modern Starkville.<sup>42</sup> A school was established on the Yalabusha, in the Choctaw Nation, about sixty miles to the southwest of the Mayhew settlement, in August, 1818, by the American Board of Commissioners for Foreign Missions. The place was called "Elliot." It was a similar establishment, to the one at Mayhew, and was made not long after the Mayhew settlement.<sup>43</sup>

A farm was attached to every mission. It was under the charge of a Northern farmer. The boys were taught the arts of hoeing and plowing. The farmer's wife and daughters taught the girls to spin and weave, to sew and knit, to make butter and cheese, and how to keep a New England kitchen.

Parents frequently visited the mission schools, which were well-attended and in which the pupils were subordinate and docile.<sup>44</sup>

Mr. David Wright was born in the State of New York, and married Miss Washburn, of Vermont. He was a teacher, and was employed by the Board of Missions and sent to Mississippi to teach the Indians about 1820. He had charge of the Mayhew mission school, about eighteen miles to the west of Columbus, in the prairie. Laura Wright, their daughter, was born at Mayhew mission, 1824. The young mother soon died, and was buried at Mayhew, about 1826. The little Laura was sent to Vermont,

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<sup>41</sup> Letter of James Gordon to author, dated "Okolona, Miss., Oct. 25, 1903."

<sup>42</sup> Claiborne's *Miss.*

<sup>43</sup> *Ibid.*, and *Am. State Pap. Ind. Affrs.*, Vol. 11.

<sup>44</sup> Claiborne's *Miss.*



and afterwards to Mt. Holyoke, Mass., where she was educated. She returned to Mississippi, and was a teacher in schools and colleges for forty-two years! In 1843 she married Mr. Charles Eagar. Her husband died in four years, and she returned to teaching. Lizzie Eagar, her daughter, married Mr. Gid. D. Harris, of Columbus. About 1828 Mr. Wright entered the Presbyterian ministry, and labored with the Indians for several years.<sup>45</sup>

With reference to the Elliot school, an old chronicle says:

"Sixty scholars and twenty females. The extract from the report of the superintendent for 1820 (none having been received for 1821), herewith, will show the prosperity and usefulness of this establishment. The chiefs have shown great liberality in providing for the education of their children, by appropriating in each of the three districts of the nation \$2,000 annually, for seventeen years, out of this annuity, for the purpose of schools, &c.; and the American Board has taken measures for the establishment of other schools in the nation, one of which, at Mayhew, is in great forwardness. The school at Elliot is on the Lancasterian plan."<sup>46</sup>

The following extracts from the report of the superintendent of the school at Elliot, among the Choctaws, made December 21, 1820, give an insight into the workings of that establishment, as well as the favorable impression it made on the minds of the full-bloods of the tribe:

"Since the last report, thirty-eight scholars have been admitted to the school. Ten have left, and one has been dismissed for misconduct. The number now in school is seventy-four. Six more are considered as belonging to it, but are at home on a visit. Of the whole number, sixty are males and twenty females. All these board in our family, and are entirely under our directions; excepting that ten, who live in the neighborhood, go home on Saturday, and return generally on the Sabbath morning.

"Fifty of the scholars now belonging to the school could not speak our language when they entered. These have all made progress in proportion to the time they have been here, and several of them now speak English fluently. Others, who have not advanced so far, can read correctly, and will soon acquire the spoken language. Sixty-five now in the school began with the alphabet. Twenty-eight of these can read with facility in the Testament. All the scholars have been accustomed, from the first, to write their lessons on slates; and, when advanced, to write on paper. Thirty-nine write a plain hand without a copy. Nineteen others can form letters with tolerable accuracy. Ten have made some progress in arithmetic; and two, who were considerably advanced when they entered school, have attended to grammar and geography.

"The boys, when out of school, are employed, as circumstances may require, in the various business of the farm and family. Each one, who is

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<sup>45</sup> Letter from Gid. D. Harris to author, dated "Columbus, Miss., Oct. 24, 1903."

<sup>46</sup> From the report apparently made in 1822. In *Amer. State Pap., Ind. Affrs.*, Vol. II, p. 277.

of sufficient size, is furnished with an axe and a hoe. We cultivated the past season about fifty acres of corn and potatoes, most of which was planted and hoed by the boys.

"The girls are in two divisions, and are employed alternately in the kitchen and in sewing, spinning, knitting, and other domestic labors. \* \* \* Many full-blooded Indians have made applications of late to have children admitted to the school. They are willing to submit them entirely to our direction. Strong desires are expressed to have other schools opened."<sup>4</sup>

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<sup>4</sup> *Amer. State Papers, Indian Affairs, Vol. II, p. 278.*

Extract from "A list of the names of all persons to whom money, goods or effects have been delivered from the 1st of September, 1822, to the 1st of September, 1823, for the benefit of the Indians, specifying the amount and object for which it was intended."

The names of all persons to whom money, goods or effects have been delivered from the 1st of September, 1822, to the 1st of September, 1823.	Indian dep't-ment for pay-ment for interpreters and blacksmith's repairs of buildings; medicine and provisions for immigrating and visiting Indians, transportation and other contingencies.	Pay of Indian Agents.	Pay of Indian sub-Agents.	Presents for Indians.	Civilization of Indians.	Annuities to Indians.	Amount.	Remarks.
Th. L. McKenney,	\$180 00	...	...	...	...	...	\$180 00	{ On account of the education, &c. of a Choctaw youth.
William Ward, . .	\$6,385 00	\$900 00	\$200 00	\$50 00	\$2,116 66	\$12,450 00	\$22,101 66	{ For civilization of the Indians in erecting buildings for mission schools among the Choctaws.
Cyrus Kingsbury,	...	...	...	...	\$1,116 66	...	\$1,116 66	{ For the education, &c. of a Choctaw youth in Ohio.
J. L. McDonald, .	...	...	...	...	\$120 00	...	\$120 00	{ Balance of his account for services in receiving and storing goods intended for the Indians at the Chickasaw Bluffs in 1821.
Isaac Rawlings, .	\$468 75	...	...	...	...	...	\$468 75	{ For disbursements in his agency for the Chickasaws; paid over to B. F. Smith, his successor.
R. C. Nicholas, .	\$250 00	\$650 00	\$250 00	\$100 00	\$100 00	35,100 00	36,350 00	{ For the Missionary Society of South Carolina and Georgia for buildings at Monroe Station in the Chickasaw Nation. <sup>45</sup>
T. Charlton Henry,	...	...	...	...	\$790 00	...	\$790 00	

<sup>45</sup> See *American State Papers, Indian Affairs, Vol. 11.*



Extract from a "statement showing the expenditures, for the year 1823, of the annual appropriation made by the act of the 3rd of March, 1819, for civilization of the Indian tribes adjoining the frontiers."

<i>By whom expended.</i>	<i>For what purpose advanced.</i>	<i>Amount.</i>
William Ward, . . . . .	For the mission schools among the Choctaws, Mississippi.	\$2,116 00
Rev. Cyrus Kingsbury, .	For buildings, &c., for the mission schools among the Choctaws, Mississippi.	1,166 66
John McDonald, Ohio, .	For the education of a Choctaw youth.	120 00
Benjamin F. Smith, } Chickasaw Agency. }	For the Chickasaw Indians, . . . . .	100 00
T. Charlton Henry, ....	For the Missionary Society of the Synod of South Carolina and Georgia, for buildings at Monroe, in the Chickasaw nation.	790 00 <sup>a</sup>

"Extract from a "Statement showing the number of schools, where established, by what society, and the number of pupils, from the last returns," from Thomas L. McKenney's report, November 24, 1824.

The "No. of Teachers" in nearly all cases, included all persons "including children connected with the families of the teachers."<sup>b</sup>

<sup>a</sup> *Amer. State Papers, Indian Affairs, Vol. II.* This statement and the similar preceding statement should be considered together.

<sup>b</sup> *Amer. State Papers, Indian Affairs, Vol. II, p. 524.*

Where established	What society.	No. of teachers.	No. of pupils.
Elliot, Choctaw nation .... }	Amer. Board for Foreign Missions.	7	46
Béthel, do., .....	do., .....	4	21
Mayhew, do., .....	do., .....	10	69
Emmaus, do., .....	do., .....	4	20
Mushulatubbee's, do., .....	do., .....	1	11
Mr. Juzan's, do., .....	do., .....	1	12
Capt. Harrison's, do., .....	do., .....	1	14
Goshen, do., .....	do., .....	4	15
Bethany, do., .....	do., .....	3	
Jik-haw-nah, do., .....	do., .....	4	
Charity Hall, Chickasaw nation.	Cumberland Missionary Board.	14	31
Monroe, do., .....	Synod of South Carolina and Georgia.	12	54 <sup>81</sup>

Emmaus mission was on a plateau east of Buckatunna creek about 1,200 yards. It was on the N. W.  $\frac{1}{4}$  of S. E.  $\frac{1}{4}$ , S. 18, T. 1, R. E., and comprised a square, 140 yards to the side. The Indian burial ground connected with Emmaus mission was in the north-eastern corner of N. E.  $\frac{1}{4}$  of N. W.  $\frac{1}{4}$ , S. 19, T. 1, R. 18, E.<sup>82</sup>

Extract from a "Statement in relation to establishments in the Indian country for the purpose of civilizing the Indians," reported by Mr. McLean, of Ohio, from Committee on Indian Affairs, communicated to House of Representatives, March 23rd, 1824:

<sup>81</sup> *Ibid.*

<sup>82</sup> See Evans's article in *Pub. Miss. Hist. Soc., Vol. VI.*

Names and Sites of Stations,	By whom Established.	When Established.	No. of scholars at last report	Sum annually allowed by the United States for tuition.	No. of Missionary families.	Whole Expense during last year.
{ Elliot, . . . . . } { Choctaw nation, . . }	American Board of Foreign Missions, Boston, . . . . .	1818—	80	\$1,200 00	12	\$9,735 00
{ Newell, . . . . . } { Choctaw nation, . . }	Do., . . . . .	1821—	15	\$350 00	. . .	\$668 00
{ Mayhew, . . . . . } { Choctaw nation, . . }	Do., . . . . .	1822—	66	\$800 00	10	\$15,706 00
{ Monroe, . . . . . } { Chickasaw nation, . }	Synod of South Carolina and Georgia, . . . . .	1821—	54	\$500 00	12	\$2,675 00
{ Charity Hall, . . . . }	Cumberland Missionary Society,	1822—	21	\$400 00	. . .	\$608 00

The entire statement reported 21 schools among the different tribes, and the committee report said, among other things:

"From this statement, it will appear that twenty-one schools have been established; all, except three, since the passage of the above law [the law of March 3d, 1819, entitled 'An act making provision for the civilization of the Indian tribes adjoining the frontier settlements'], and principally by the means which it affords. At these schools there are taught more than eight hundred scholars, whose progress in the acquisition of an English education exceeds the most sanguine expectations that had been formed. Very comfortable school houses have been erected for the accommodation of the different schools, and, in most cases, convenient dwellings for the teachers. \* \* \* All the schools are increasing; and so urgent is the wish of the Indians to have their children educated that numerous applications are refused, from the limited means which the schools possess. \* \* \* There is much in their [the Indians'] condition to excite our sympathies as men, and our protection as legislators. They have been driven from this wide domain, to a territory far less desirable, and of limited extent. They are constantly receding as we are advancing. The Indians are not what they once were. They have partaken of our vices more than our virtues. Such is their condition, at present, that they must be civilized or exterminated; no other alternative exists."

The committee submitted to the House of Representatives the following resolutions:

"Resolved, That it is inexpedient to repeal the law making an annual appropriation of ten thousand dollars for the civilization of the Indians."



At that time there were hundreds of associations in operation with a view of assisting the Government in civilizing the Indians.<sup>53</sup>

Extract from a "statement showing the number of Indian schools, where established, by whom, the number of teachers, the number of pupils, and the amount annually allowed and paid to teach by the Government, with remarks as to their condition."

In the column, "Number of teachers," are included the entire number of teachers' families, mechanics, etc., employed at the stations. From report of Thomas L. McKenney, of Office of Indian Affairs, December 3, 1825:

Names of Stations and Sites.	By whom Established.	Numb. of teachers.	Number of pupils.	Am't annually allowed by Govern't.	Remarks.
Elliot, . . . . . Choctaw nation, . . .	Amer. Board of Commissioners for Foreign Missions, Do., . . . Do., . . . Do., . . . Do., . . . Do., . . . Do., . . . Do., . . . Do., . . .	7 . . .	30	\$2,250 00	These schools have had to encounter some difficulties; but they are, nevertheless, progressing with a favorable degree of success.
Mayhew, do., . . . . .		6 . . .	65		
Bethel, do., . . . . .		3 . . .	16		
Emmaus, do., . . . . .		4 . . .	22		
Goshen, do., . . . . .		6 . . .	16		
Capt. Harrison's, do., . .		1 . . .	13		
Juzan's, do., . . . . .		1 . . .	13		
Mooshulatubbee's, do., . .		1 . . .	13		
Ai-ik-hun-hah, do., . . .		. . . . .	. . .		
L. S. Williams's, do., . .		2 . . .	4		
Charity Hall, . . . . . Chickasaw nation, . . .	Cumberland Missionary Board. . .	14 . .	31	\$400 00	Progressing with considerable success.
Monroe, . . . . . Chickasaw nation, . . .		12 . .	54	\$800 00	[Made from last year's reports]. <sup>54</sup>

The Choctaws, by Col. McKenney's report of December 13, 1825, to Hon James Barbour, Secretary of War, had placed \$12,000.00 of their means per year for almost twenty years toward the support of schools and advancement, and the Chockasaws had given a year's annuity, aggregating upwards of \$30,000.00 as a fund for the same end.<sup>55</sup>

<sup>53</sup> Rept. McLean from Com. on Ind. Affrs. Com. to House Rep., Mar. 23d, 1824, in *Amer. State Papers, Indian Affairs, Vol. 11.*

<sup>54</sup> *Amer. State Papers, Indian Affairs, Vol. 11.*

<sup>55</sup> *Amer. State Papers, Indian Affairs, Vol. 11.*

Names of Stations and Sites.	By whom Established.	Numb. of teachers.	Number of pupils.	Amount annually paid by Govern't.	Remarks.
Elliot, Choctaw nation,	Amer. Board of Commissioners for Foreign Missions,	6 . . .	20		
Mayhew, do., . . . . .	Do., . . .	6 . . .	54		
Bethel, do., . . . . .	Do., . . .	4 . . .	16		
Emmaus, do., . . . . .	Do., . . .	4 . . .	25		
Goshen, do., . . . . .	Do., . . .	6 . . .	14	\$1,500 00	These schools are all prosperous.
Capt. Harrison's, do., .	Do., . . .	1 . . .	13		
Mr. Juzan's, do., . . . .	Do., . . .	1 . . .	15		
Ai-ik-hun-hah, do., . .	Do., . . .	3 . . .	22		
Col. Folsom's, do., . . .	Do., . . .	1 . . .	7		
Monroe, . . . . .	Synod of South Carolina and Georgia, flourishing,	12 . .	27	\$800 00	
Chickasaw nation, . . .					
Tockshish, . . . . .	Do., flourishing,	2 . .	17		Recently established and reported this year for first time.
Chickasaw nation, . . .					
Cane Creek, . . . . .	Do., . . .	6 . .			These schools have been established during the last year from funds appropriated by the Chickasaws for that purpose.
Chickasaw nation, . . .					The permanent annuity of \$3,000.00, per Act of 25th of February, 1794, has been assigned by them for the education of their children.
Martyn, . . . . .	Do., . . .	2 . . .	16		
Chickasaw nation, . . .					
Charity Hall, . . . . .	Cumberland Missionary Board, . .	14 . .	31	\$400 00	This part of the statement made from reports of last year [1825].
Chickasaw nation, . . .					
					54 in Choctaw academy in Kentucky. <sup>66</sup>

<sup>56</sup> *Amer. State Papers, Indian Affairs*. Vol. 11, p. 675.

Extract from a "statement showing the number of Indian schools, where established, by whom, the number of teachers, etc., the number of pupils, and the amount annually allowed and paid to each by the Government, with remarks as to their condition, etc."<sup>87</sup> Under column, "No. of teachers," the whole mission including mechanics and laborers, is embraced. From statement accompanying Thomas L. McKenney's report to Hon. James Barbour, Secretary of War, November 20, 1826.

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<sup>87</sup> McKenney's report, Nov. 20th, 1826, to Barbour, in *Amer. State Papers, Indian Affairs, Vol. II.*



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